

of in due course, the giver thereof shall forfeit the license as provided for herein and shall not be entitled to receive another license for one year after the giving of such check, draft, or other written order intended to be in payment of such commodities.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. In the event any section, subdivision, or part of this Act shall be declared invalid or unconstitutional for any reason, it shall not affect or invalidate any other part of the Act.

Sec. 4. The fact that some sections of our present occupation tax laws contain errors, and some are vague and indefinite, and that there is need that certain sections and parts of the occupation tax laws be properly defined and clarified, and that the antiquated sections be reformed to the end that proper levy of taxes be made and collections be properly enforced, and the fact that itinerant peddlers, many of whom are non-residents of this State, are establishing themselves in direct competition to local merchants, farmers, and producers who pay and who warrant their goods and products, whereas, such peddlers pay no taxes and are usually transients who sell an inferior quality of fruits and other products to the consumer or retailer, whereas, no recourse may be held by such person upon whom the fraud is perpetuated; the fact that many peddlers are swindling farmers and other innocent persons by giving worthless checks for such goods and products; the fact that such professional peddlers are constantly violating traffic regulations, fire regulations, and sanitary regulations; the fact that the present regulation of peddlers is obsolete, and the fact that the Federal Government regulates other peddlers similar to those attempted to be regulated by this bill creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

SIXTY-NINTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas, May 14, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion to Concur.

Senator Rawlings moved to concur in the House amendment to S. B. No. 617. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Bill Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Beck:

S. B. No. 626, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated to supplement appropriations heretofore made for the Judiciary Division of the State Comptroller's Department for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Hardin:

S. B. No. 627, A bill to be entitled "An Act to amend Section 5, of S. B. No. 309, Acts of the Regular Session of the 42nd Legislature; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

Messages from the House.

Hall of the House of Representatives.

Austin, Texas, May 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House failed to pass finally by a vote of 44 yeas and 68 nays the following bill:

S. B. No. 517, A bill to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925, and declaring an emergency."

(With amendments.)

The House passed the following bill:

H. B. No. 614, A bill to be entitled "An Act to define and regulate the business of future brokers dealing in cotton, grain, stocks, bonds or other commodities on, by or through any exchange or board of trade incorporated under the laws of this or any other State for the immediate or future delivery of any such cotton, grain, stocks, bonds or other commodities; to require a bond for the faithful performance of all such contracts executed through such brokers, etc., and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 819 by a vote of 103 yeas and 4 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 437, A bill to be entitled "An Act creating Lower Rio Grande Water Conservation District of Texas under authority of Section 59 of Article 16 of the Constitution of the State, with powers of Government and authority to exercise such rights, privileges and functions as are conferred by said Section 59 of Article 16; etc., and declaring an emergency."

(With amendments.)

S. B. No. 515, A bill to be entitled "An Act legalizing the annexation of territory embracing a Fresh Water Supply District heretofore established to any city having a population of 150,000 or more, declaring the indebtedness of any such Fresh Water Supply District so annexed to be the legal indebtedness of the city to which same was annexed, and declaring an emergency."

S. B. No. 617, A bill to be entitled "An Act to amend Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, by adding thereto an Article to be Article 1180A, making certain and establishing the right of cities operating under the provisions of said Chapter 13, which may have a population exceeding 150,000 people according to the last or any succeeding Federal Census, to provide improvements and works to control any harmful excess of water by any mechanical means, also to cooperate with other governmental agencies of the State for like purpose and giving such other governmental agencies the power to cooperate with such cities to accomplish control of harmful excess of water; providing for contract between cities and such other governmental agencies for such purpose; and prescribing that money required for such purpose may be provided by any such city and/or other governmental agency in any manner lawful under the Constitution of Texas and not prohibited by the Chapter and/or statutory act under which any such city or other contracting body politic may have its being; and declaring an emergency."

(With amendments.)

H. B. No. 29, A bill to be entitled "An Act appropriating fifteen hundred dollars to be applied upon the purchase of a statue to be placed

upon the Fort Parker Mounment; when a like sum is raised by public subscription; appointing commissioners to purchase said statue and use said funds therefor, and to withdraw such appropriation upon their affidavits of the collection of such like sum by public subscription; providing for selection of successors, in case of necessity, of such commissioners, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act requiring the Commissioner of Agriculture to gather, compile and disseminate statistical information relating to farm areas, crop acreages, natural resources and products thereof; providing that tax assessors collect such information under direction of the Commisisoner of Agriculture; providing that the Commissioner of Agriculture furnish blanks etc., and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act authorizing and directing the Board of Dircetors and other managing officers of A. and M. College to create and operate a Fireman's Training School as a part of said College, providing for the creation of a board to advise in the conducting of the same, making an appropriation therefor, and declaring an emergency."

The House has concurred in Senate Amendments to H. B. No. 905 by a vote of 111 yeas and one nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1931.
Hon Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 90. A bill to be entitled "An Act to create the 92nd Judicial District of Texas, and to designate the counties constituting said District, fixing the time for holding Court therein; reorganize the 32nd Judicial District of Texas and designate the counties constituting said 32nd Judicial District of Texas, and fixing the time for holding Court in the various counties of said District; providing for the appointment of a Judge of the newly created 92nd Judicial District of Texas, and for the appointment of a District Attorney for the newly created 92nd

Judicial District of Texas, to hold their respective offices until their successors have been elected at the next general election and qualified according to law, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 624, A bill to be entitled "An Act re-appropriating certain unexpended balances in the appropriations made by the regular session and the called sessions of the Forty-first Legislature for mileage and per diem and for contingent expenses so that said unexpended balances may be available for mileage and per diem and for contingent expenses of the Forty-second Legislature, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 407, A bill to be entitled "An Act to amend Section 9, Chapter 14, Acts Forty-first Legislature, Third Called Session, so as to provide for aid to consolidated districts formed subsequent to January 1, 1917, and prior to September 1, 1929, under certain conditions and regulations; and declaring an emergency."

S. B. No. 528, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, revised Criminal Statutes of 1925, so as to require street railways and motor buses in cities of not less than 40,000 inhabitants to carry all school children for one-half the fare regularly collected for the transportation of adults, and declaring an emergency."

S. B. No. 586, A bill to be entitled "An Act: (1) To amend Section 14 of Chapter of the Acts of the Forty-

first Legislature of Texas, Regular Session, and clarifying the intent of said Section 14 as the same would relate to Section 132 of Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session. (2) Defining certain terms used in this Act. (3) Expressing the reasons for the enactment hereof and designating the Statutory Acts to be amended and clarified hereby. (4) To be Section 126 of said Chapter 25 and providing procedures whereby the districts may exercise the right of eminent domain. Also, providing for the organization of Tribunals of original jurisdiction (within the meaning and intent of Section 1 of Article II and Section 1 of Article V of the Constitution of Texas), prescribing the jurisdiction and powers thereof and the manner of procedure therein and thereby: Also, providing for appeals from such Tribunals to the District Court: Also prescribing the matters which may be considered on appeal and providing the procedure to be observed in the District Courts upon a hearing of such appeals, Etc., and declaring an emergency."

S. B. No. 612, A bill to be entitled "An Act providing for the granting of certain easements to the United States Government in a portion of the present and former bed of Sabine Lake in and adjacent to the Port Arthur Canal and the Sabine-Neches Canal; providing the means and manner thereof; providing exceptions and the purposes thereof; and declaring an emergency."

S. C. R. No. 49, Recalling S. B. No. 72 from the Governor's office for correction.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 150.

Senator Williamson sent up the following resolution:

Whereas, August E. Leeder, of Center Point, Texas, Harley Johnson, of Kerrville, Texas, and Sam Johnson, of Goliad, Texas, on or about September 1st, 1930, unearthed two ancient cannons in La Bahia Mission on the San Antonio River near Goliad, Texas, and.

Whereas, Said cannons were placed in the custody of the County Judge of Goliad County, Texas pending the making of an appropriation by the Legislature to pay the discoverers for their labor and services connected with these cannons, which appropriation the

Legislature has failed to make, and, Whereas, The State has some claim to said cannons and said claim casting a cloud on the title of the discoverers, now, therefore, be it

Resolved by the State Senate of Texas That the finders be requested to surrender the two cannons to the State Board of Control, and that the President of the Senate and the Chairman of the Contingent Expense Account be instructed to draw a draft against the Contingent Expense Account in such amount as may be agreed upon by the President of the Senate, the Chairman of the Contingent Expense Account and the State Board of Control, to be paid for the cannons, the sum not to exceed \$1,000.00. The Board of Control is requested to hold said cannons and put them in some proper place until such time as the Legislature may designate a permanent location.

WILLIAMSON.

The resolution was read.

Senator Holbrook moved to refer the resolution to the Committee on Finance. The motion prevailed.

Motion to Concur.

Senator Parr moved to concur in the House amendment to S. S. No. 437. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

H. C. R. No. 63.

The Chair laid before the Senate H. C. R. No. 63, Authorizing certain corrections in H. J. R. No. 6.

Read and adopted.

Motion to Concur.

Senator Moore moved to concur in the House amendment to S. B.

No. 614. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Conference Committee Asked.

On motion of Senator Woodul, the Senate refused to concur in House amendments to S. B. No. 382 and asked for the appointment of a Conference Committee.

H. C. R. No. 57.

The Chair laid before the Senate: H. C. R. No. 57, Relating to soil conservation.

Read and adopted.

Motion to Print.

Senator Loy called up the motion spread on the Journal to print H. B. No. 966 on minority report.

Senator Holbrook raised the point of order that several days ago Senator Loy gave notice of his intention to call up the motion on a day certain, which day had passed without the motion being called up; and as subsequent notice had not been given within 24 hours prior to taking it up, it was not in order to call the motion up at this time.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that it was in order to call up motion spread on the Journal 24 hours after notice had been given or any time thereafter, inasmuch as any Senator could call up the motion 24 hours after notice was given and failure to so call it up did not necessitate a renewal of the notice.

Senator Holbrook moved to table

the motion to print. The motion prevailed by the following vote:

Yeas—16.

Berkeley.	Patton.
Cousins.	Pollard.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodward.

Nays—12.

Beck.	Oneal.
Cunningham.	Parrish.
DeBerry.	Poage.
Hornsby.	Rawlings.
Loy.	Woodruff.
Neal.	Woodul.

Absent.

Gainer.

Hardin.

Absent—Excused.

Purl.

Statement by Senator Loy.

I have called up H. B. No. 966 and ask for it to be printed and enacted into law for the reason some of the counties so rich with sulphur deposits have their State ad valorem taxes remitted, and the State does have an interest in these counties, the records show these counties are not rendering their taxes equally with other counties thereby causing a great loss to the State.

LOY.

House Bill No. 150.

The question recurred upon the motion to table the pending amendment to H. B. No. 150. The motion was lost by the following vote:

Yeas—10.

Berkeley.	Poage.
DeBerry.	Rawlings.
Gainer.	Small.
Holbrook.	Williamson.
Hornsby.	Woodward.

Nays—14.

Cousins.	Parrish.
Hopkins.	Patton.
Loy.	Pollard.
Martin.	Russek.
Moore.	Stevenson.
Neal.	Woodruff.
Parr.	Woodul.

Absent.

Beck.	Hardin.
Cunningham.	Oneal.
Greer.	Thomason.

Absent—Excused.

Purl.

The amendment was adopted.

Senator Neal sent up the following amendment:

Amend H. B. No. 150 by providing that "veterans or widows of veterans, coming within the above provisions as to age and time of marriage, who saw "Home Guard Service" during the war between the States, shall be entitled to a pension along with the others for whom this bill provides."

NEAL.

Read and adopted.

The bill passed to third reading.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Rawlings.

Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Purl.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 1006.	H. B. No. 907.
H. B. No. 227.	S. B. No. 515.
S. B. No. 586.	H. B. No. 603.
S. B. No. 612.	H. B. No. 258.
S. B. No. 528.	H. B. No. 1019.
H. B. No. 241.	H. B. No. 713.
H. B. No. 1036.	S. B. No. 515.
S. B. No. 614.	S. C. R. No. 49.
S. B. No. 407.	H. C. R. No. 63.
H. B. No. 724.	

Reason for Vote.

I voted "Nay" on the amendment by Senator Martin to H. B. No. 150 for the reason that it might be my last opportunity to cast a vote for a Veteran of the War between the States, who followed such leaders as the illustrious Lee, Jackson, Johnson and other generals of the Confederate Army.

PARRISH.

S. C. R. No. 49.

Senator Parr sent up the following resolution:

Whereas, Senate Bill No. 72 is now in the Governor's office; and

Whereas, it is the desire of the author of this bill to correct the bills so as to make the body conform to the caption; now therefore

Be it resolved, by the Senate, the House of Representatives concurring, that the Governor be requested to return said bill for correction.

PARR.

Read and adopted.

House Bill No. 386.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Ferguson and Mr. Cox of Limestone:

H. B. No. 386, A bill to be entitled "An Act to amend Section 1, Chap-

ter 47, General and Special Laws, Forty-first Legislature, First Called Session, by adding thereto Section 1a, providing for the transfer of territory and the organization of school districts, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 386 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

House Bill No. 905.

The Chair laid before the Senate

on its second reading the following bill:

H. B. No. 905, A bill to be entitled "An Act requiring the judge of any court in which a defendant is convicted of driving a motor vehicle while under the influence of intoxicating liquor to enter an order prohibiting such persons so convicted from driving any motor vehicle for a period of two years, providing that a violation of such order shall be punished as for contempt, and declaring an emergency."

Read second time.

Committee amendment No. 1 was lost.

Committee amendment No. 2 was withdrawn.

Senator Cunningham sent up the following amendment:

Amend H. B. No. 905 by adding after the word "State" in line 5 of Section One, the words "not to exceed two years."

CUNNINGHAM.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 905 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed.

Conference Committee Appointed.

The Chair appointed the following Conference Committee on S. B. No. 382:

Senators Woodul, Purl, Williamson, Patton and Loy.

Recess.

On motion of Senator Russek, the Senate, at 12:11 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

S. C. R. No. 50.

Senator Neal sent up the following resolution:

Be It Resolved By the Senate, House of Representatives concurring, that the Governor be requested to return S. B. No. 172, to the Senate for further consideration.

And Be It Further Resolved That the officers of the Senate and House be, and they are hereby instructed to erase their signatures from said Bill.

NEAL.

Read and adopted:

Conference Committee Requested.

On motion of Senator Beck, the Senate refused to concur in House amendments to S. B. No. 259 and requested the appointment of a Conference Committee.

House Bill No. 170.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hill and Mr. Johnson of Dimmit:

H. B. No. 170, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925, as amended by House Bill No. 222, Chapter 254, Acts of the Regular Session of the Forty-first Legislature, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 170 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.
Oneal.
Parr.

Parrish.
Patton.
Poage.
Pollard.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Purl.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Pollard.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Purl.

House Bill No. 353.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Graves:

H. B. No. 353, A bill to be entitled "An Act to amend Article 1811, Revised Civil Statutes of 1925, so as to provide for the appointment by the Court of Criminal Appeals of the State prosecuting attorney before said court, prescribing the duties qualifications and term of office of said attorney, transferring all duties and matters now provided by law for the Assistant State Prosecuting Attorney, to the State Prosecuting Attorney, and declaring an emergency."

The bill was read second time and passed to second reading.

On motion of Senator Small, the constitutional rule requiring bills to

be read on three several days was suspended and H. B. 353 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed.

House Bill No. 664.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Satterwhite:

H. B. No. 664, A bill to be entitled "An Act to amend Article 2905, Revised Civil Statutes State of Texas, 1925, conferring the authority upon the county school trustees to exercise the right of eminent domain to acquire title to real property for common school districts and independent school districts having fewer than 150 scholastics; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 664 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed.

House Bill No. 1026.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1026, A bill to be entitled "An Act fixing the venue of suits brought on policies and contracts made by fraternal benefit societies, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend H. B. No. 1026 by adding after the words "Fraternal Benefit Societies" wherever they appear the words "and for State wide mutual assessment company."

POAGE.

The amendment was read.

On motion of Senator Woodruff, the bill was laid on the table subject to call.

Free Conference Committee Report on H. B. No. 385.

Senator Woodul sent up the following Free Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House.

Gentlemen:

We, the Free Conference Committee on H. B. No. 335, being

An Act to amend Chapter 314, General Laws of the State of Texas, 41st Legislature, Regular Session, as amended at the 2nd Called Session thereof, so as to further regulate motor carriers transporting property over the public highways; etc.

Have had the same under consideration and we beg leave to report it back with the recommendation that it do not pass but that the following committee substitute bill do pass in lieu thereof:

Committee Substitute to H. B.
No. 335.

A BILL
To Be Entitled

An Act to amend Chapter 314, General Laws of the State of Texas, 41st Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, so as to further regulate motor carriers transporting property for hire over the public highways; defining the terms "person," "Commission," "Highway Commission," "public highway," "certificate," "permit," "motor carrier," and "contract carrier;" placing all motor carriers under the jurisdiction of the Railroad Commission of the State of Texas; providing that no motor carrier shall hereafter operate as a common carrier without having a certificate of convenience and necessity and that no motor carrier shall hereafter operate as a contract carrier without having a permit; giving to the Railroad Commission of the State of Texas power and imposing upon it the duty to fix, prescribe or approve maximum or minimum or maximum and minimum rates, fares and charges for motor carriers doing business as common carriers and minimum rates, fares and charges for motor carriers operating as contract carriers, to require all motor carriers to keep certain accounts and to file such reports as the Commission may deem necessary, to require each operator of a motor propelled vehicle operated by a motor carrier to have a driver's license and prescribing fees therefor and to regulate motor carriers in all other matters affecting their relationship with the shipping public and so as to relieve existing and future undue burdens on the highways; making it unlawful for a motor carrier to operate a motor propelled vehicle unless such vehicle is operated by a driver holding an unrevoked and uncanceled license issued by the Commission; giving the Commission the power and imposing upon it the duty to approve or disapprove the nature and character of equipment used and the amount and character of tonnage carried

and the number, size and method of loading containers of any commodity carried on any vehicle operated by a motor carrier under a permit or certificate; providing for the sale, lease, assignment or transfer of certificates under certain conditions and subject to the approval or disapproval of the Commission; prescribing the length of time a motor carrier may require or permit any driver or helper to remain on continuous duty with exception in cases of a certain specified emergency and providing venue for prosecution for violations of this provision; providing for the carrying and displaying of identification cards setting out the certificate or permit number and certain other information in the cab of each motor vehicle operated under this Act, and making it unlawful to display such card or other insignia of authority from the Commission after the same has expired or been cancelled; providing the method for securing of certificates of convenience and necessity and permits, the requisites of applications therefor, for hearings on said applications, for the summoning of, the attendance of, the examining of and the fees for witnesses, for the filing of written opinions by the Commission in contested hearings, and giving the Commission power under certain conditions to revoke, suspend or amend any certificate or permit and providing for appeals from the decisions of the Railroad Commission of the State of Texas; providing the method for securing of certificates and permits by motor carriers lawfully operating under the present law; providing that no permit shall be granted to any person holding a certificate and that no certificate shall be granted to any person holding a permit and that no vehicle shall be operated with both a permit and a certificate; providing for the issuance of special permits to persons engaged in transporting certain specified commodities; providing for the issuance of special identification plates for motor carrier vehicles and prescribing fees therefor; providing for the payment of annual fees for each motor vehicle op-

erated by a motor carrier for the creation of a fund for administering the Act; providing that no person now lawfully authorized to operate as a motor carrier under the present law and who has paid annual fees for the year ending September 1st, 1931, shall be required to pay any additional fees; providing a portion from sales of certificates shall go to the State Treasurer for the benefit of the State Highway Fund; appropriating a fund for the administration of the Act in the event revenues from licenses and fees are insufficient for that purpose; requiring that, before any certificate or permit shall be issued and before any motor carrier may lawfully operate, such motor carrier shall file with the Commission bonds and insurance policies covering loss or damages from personal injury or loss of or injury to property and containing certain designated terms, and providing that any permit will automatically expire if such insurance is not kept in force, and providing that each motor carrier shall protect his employes by taking out workmen's compensation insurance; giving an authorized inspector for the Commission power and authority, to make arrests for violations of this Act; making the violation of any provision of the Act or any lawful ruling or order of the Commission a misdemeanor and imposing a penalty and, in addition, providing for the recovery of penalties by the State for the violation of any provision of the Act or for the violation of any lawful rule or order of the Commission; providing for the remedy of injunction to enforce the Act; making the giving or receiving of any commission or other consideration as an inducement to secure the transportation of property by motor carrier a misdemeanor and imposing a penalty; making the giving by any common carrier, motor carrier or the receiving by any shipper of any rebate, directly or indirectly, a misdemeanor and imposing a penalty; making the charging, demanding, contracting for, collecting or receiving by any motor carrier operating as a contract carrier, of a less compensation for

any service than is prescribed therefor by the Commission or the procuring, aiding or abetting any contract carrier in so doing a misdemeanor and imposing a penalty; declaring the public public policy of this State with reference to the business of transporting property for hire by means of motor vehicles over the highways of this State and declaring that the business of a motor carrier is impressed with the public interest; repealing all laws and parts of laws in conflict therewith; providing that if any part of this Act is declared unconstitutional such decision shall not affect the validity of the remaining portions of the Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of Chapter 314, General Laws of the State of Texas, 41st Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the 2nd Called Session thereof, regulating motor carriers transporting property over public highways, be and the same is hereby amended to read as follows:

"Section 1. Definitions. When used in this Act unless expressly stated otherwise:

(a) The term "person" means and includes an individual, a firm, co-partnership, corporation, company, an association or a joint stock association.

(b) The term "Commission" means the Railroad Commission of the State of Texas.

(c) The term "Highway Commission" means the Board of Highway Commissioners of the State of Texas.

(d) The term "public highway" means every street, road and highway in this State.

(e) The term "certificate" means a certificate of public convenience and necessity issued under this Act.

(f) The term "permit" means the permit issued to contract carriers under the terms of this Act.

(g) The term "motor carrier" means any person, firm, corporation, company, co-partnership, association or joint stock association, and their lessees, receivers or trustees appointed by any Court whatsoever, owning, controlling, managing, operating or causing to be operated

any motor propelled vehicle used in transporting property for compensation or hire over any public highway in this State, where in the course of such transportation a highway between two or more incorporated cities, towns or villages is traversed; provided the term "motor carrier" as used in this Act shall not include, and this Act shall not apply to motor vehicles operated exclusively within the incorporated limits of cities or towns.

(h) The term "contract carrier" means any motor carrier as hereinabove defined transporting property for compensation or hire over any highway in this State other than as a common carrier."

Sec. 2. That Section 2 of this chapter be and the same is hereby amended to read as follows:

"Sec. 2. No motor carrier, as defined in the preceding section, shall operate any motor propelled vehicle for the purpose of the transportation or carriage of property for compensation or hire over any public highway in the State except in accordance with the provisions of this Act; provided, however, that nothing in this Act or any provision thereof shall be construed or held to in any manner affect, limit or deprive cities and towns from exercising any of the powers granted them by Chapter 147, pages 301 to 318 inclusive of the General Laws of the State of Texas passed by the 33rd Legislature or any amendments thereto."

Sec. 3. That Section 3 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 3. No motor carrier shall, after this Act goes into effect, operate as a common carrier without first having obtained from the Commission, under the provisions of this Act, a certificate of public convenience and necessity pursuant to a finding to the effect that the public convenience and necessity requires such operation. No motor carrier shall, after this Act goes into effect, operate as a contract carrier without first having obtained from the Commission a permit so to do which permit shall not be issued until the applicant shall have in all things complied with the requirements of this Act."

Sec. 4. That Section 4 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 4. (a) The Commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate the transportation of property for compensation or hire by motor vehicle on any public highway in this State, to fix, prescribe or approve the maximum or minimum or maximum and minimum rates, fares and charges of each motor carrier in accordance with the specific provisions herein contained, to prescribe all rules and regulations necessary for the government of motor carriers, to prescribe rules and regulations for the safety of operations of each of such motor carriers, to require the filing of such monthly, annual and other reports and other data of motor carriers as the Commission may deem necessary, to prescribe the schedules and services of motor carriers operating as common carriers, and to supervise and regulate motor carriers in all matters affecting the relationship between such carriers and the shipping public whether herein specifically mentioned or not.

(b) The Commission is hereby vested with power and authority and it is hereby made its duty to require that each driver of a motor propelled vehicle owned or operated by a motor carrier under the provisions of this Act shall have a driver's license, which license shall be issued by the Commission pursuant to an examination testing the ability and fitness of the applicant and under such rules and regulations as the Commission may prescribe; provided that every driver aforesaid shall acquire a driver's license within thirty (30) days after this Act takes effect and shall annually thereafter on or before the anniversary of the date of the original license acquire a renewal thereof. Such license issued shall be for a term of one year. The Commission is empowered further to issue temporary licenses, in case of emergency, for such term as the Commission may deem expedient; provided such term shall not exceed ten (10) days and there shall be no right or privilege of renewal thereof. The Commission is hereby authorized to collect a fee of One Dollar (\$1.00) for each annual license fee or renewal. The Commission may suspend or revoke any such license for cause after notice and public hearing. It shall be unlawful for any

motor carrier to operate a motor propelled vehicle in this State unless such vehicle is operated by a driver holding an unrevoked and uncanceled license issued by the Commission.

(c) The Commission is further authorized and empowered and it shall be its duty to supervise and regulate motor carriers in all matters affecting the relationship between such motor carriers and the shipping public that may be necessary in the interest of the public.

(d) The Commission is further authorized and empowered and it shall be its duty to supervise and regulate motor carriers in all matters whether specifically mentioned herein or not so as to carefully preserve, foster and regulate transportation and to relieve the existing and all future undue burdens on the highways arising by reason of the use of the highways by motor carriers, adjusting and administering its regulations in the interests of the public.

The Commission in prescribing and adopting rules and regulations and in forming its conclusions and in prescribing its orders shall invite the Highway Commission's opinion on the condition of the public highways involved and the ability of said highways to carry existing and proposed additional traffic and the Commission shall give due and proper consideration to the orders, regulations, ordinances or recommendations of the Highway Commission of Texas; provided, however, nothing herein contained shall be deemed to restrict the powers of the Highway Commission under existing laws. The Commission shall also give due and proper consideration to the recommendations of the Commissioners' Courts of the several Counties and to the recommendations of the local government of any municipality through or between which motor carriers operate."

Section 5. That Section 5 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 5. No motor carrier shall hereafter operate as a common carrier for the transportation of property for compensation or hire over the public highways of this State without first having obtained from the Commission under the provisions of this Act a certificate declaring that the public convenience and ne-

cessity requires such operation; provided, however, the Commission shall, without application or hearing when this Act goes into effect, issue all motor carriers then operating lawfully under permanent certificate of public convenience and necessity heretofore issued to them, certificates in lieu of the certificates issued under the terms of the former law covering the same routes that said common carrier shall have been operating over, and no more.

Any certificate held, owned or obtained by any motor carrier operating as a common carrier under the provisions of this Act may be sold, assigned, leased, transferred or inherited; provided, however, that any proposed sale, lease, assignment or transfer shall be first presented in writing to the Commission for its approval or disapproval and the Commission may disapprove such proposed sale, assignment, lease or transfer if it be found and determined by the Commission that such proposed sale, assignment, lease or transfer is not in good faith or that the proposed purchaser, assignee, lessee or transferee is not able or capable of continuing the operation of the equipment proposed to be sold, assigned, leased or transferred in such manner as to render the services demanded by the public necessity and convenience on and along the designated route, or that said proposed sale, assignment, lease or transfer is not best for the public interest; the Commission in approving or disapproving any sale, assignment, lease or transfer of any certificate may take into consideration all of the requirements and qualifications of a regular applicant required in this Act and apply same as necessary qualifications of any proposed purchaser, assignee, lessee or transferee; provided, however, that in case a certificate is transferred that the transferee shall pay to the Commission a sum of money equal to ten (10%) per cent of the amount paid as a consideration for the transfer of the certificate, which sum of ten (10%) per cent shall be deposited in the State Treasury to the credit of the Highway Fund of the State; provided, further, that any certificate obtained by any motor carrier or by any assignee or transferee shall be taken and held subject to the right of the State at

any time, to limit, restrict or forbid the use of the streets and highways of this State to any holder or owner of such certificate. Every application filed with the Commission for an order approving the lease, sale, or transfer of any certificate of convenience and necessity shall be accompanied by a filing fee in the sum of Twenty-five (\$25.00) Dollars, which fee shall be in addition to the other fees and taxes and shall be retained by the Commission whether the lease, sale or transfer of the certificate of convenience and necessity is approved or not."

Sec. 6. That Section 6 of said Chapter be and the same is hereby amended so as to read as follows, and the same is hereby further amended by adding Sections 6-aa, Section 6-bb and Section 6-cc.

Section 6 (a) No motor carrier now operating as a contract carrier or that may hereafter desire to engage in the business of a contract carrier shall so operate until it shall have received a permit from the Commission to engage in such business and such permit shall not be issued until the applicant shall have in all things complied with the requirements of this Act; nor shall such permit be issued unless the character of business being done or to be done by the applicant strictly conforms with the definitions of a contract carrier. The Commission shall have the power to suspend for ten (10) days any existing permit after notice and hearing and to revoke any existing permit when it appears that such permit holder has disobeyed or violated any provisions of this Act or of General Laws regulating motor vehicles or violated any rule or regulation of the Commission authorized by this Act.

(b) No application for a permit shall be considered by the Commission unless it be reduced to writing and set forth the following facts:

(1) It shall contain the name and address of the applicant and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant.

(2) The application shall set forth the nature of the transportation in which the applicant wishes to engage stating substantially the territory to be covered by the opera-

tion and including the condition and character of the roads over which the transportation is to be performed.

(3) It shall give a description of each vehicle which the applicant intends to use, including weight and size of vehicle and its carrying capacity.

(c) No application for permit shall be granted by the Commission until after a hearing nor shall any such permit be granted if the Commission shall be of the opinion that the proposed operation of any such contract carrier will impair the efficient public service of any authorized common carrier or common carriers then adequately serving the same territory; provided, however, any person now lawfully operating on a Class "B" operator in this State who may desire to continue in the business of a motor carrier shall file an application for a permit or certificate under the terms of this Act within thirty (30) days after the effective date hereof and it shall be the duty of the Commission to determine such applications forthwith, and such applicants may, subject to the provisions of this Act and to the orders, rules, rates and regulations of the Commission continue to operate as motor carriers pending the determination by the Commission to such application.

(d) The Railroad Commission is hereby given authority to issue upon application to those persons who desire to engage in the business of transporting for hire over the highways of this State live stock, mohair, wool, milk, live stock feed stuffs, household goods, oil field equipment, timber when in its natural state, farm machinery and grain special permits upon such terms, conditions and restrictions as the Railroad Commission may deem proper, and to make rules and regulations governing such operations keeping in mind the protection of the highways and the safety of the traveling public; provided that if this Act or any section, subsection, sentence, clause or phrase thereof, is held unconstitutional and invalid by reason of the inclusion of this Sub-section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this subsection.

Section 6-aa. The Commission is hereby vested with power and authority and it is hereby made its duty to prescribe rules and regulations covering the operation of contract carriers in competition with common carriers over the highways of this State and the Commission shall prescribe minimum rates, fares and charges to be collected by such contract carriers which shall not be less than the rates prescribed for common carriers for substantially the same service.

Section 6-bb. No application for permit to operate as a contract carrier shall be granted by the Commission to any person operating as a common carrier and holding a certificate of convenience and necessity, nor shall any application for certificate of convenience and necessity be granted by the Commission to any person operating as a contract carrier nor shall any vehicle be operated by any motor carrier with both a permit and a certificate.

Section 6-cc. No motor carrier operating in whole or in part in this State under a certificate or permit issued by the Railroad Commission of Texas, or any officer or agent of such motor carrier, shall require or knowingly permit any truck-driver or his helper to drive or operate a truck, for a period longer than fourteen (14) consecutive hours; and whenever such driver or helper shall have been continuously on such duty for fourteen (14) hours, he shall be relieved and shall not be requested or knowingly permitted to again go on duty until he has had at least eight (8) consecutive hours off duty; and no such driver or helper who has been on such duty fourteen (14) hours in the aggregate in any twenty-four (24) hour period, shall be required or knowingly permitted to continue or again go on duty without having had at least eight (8) consecutive hours off duty; and venue for prosecution under this Section shall lie in the county of the residence of the defendant; provided that in cases of emergency caused by the Act of God, the foregoing restrictions as to hours, shall not apply."

Sec. 7. That Section 7 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 7. For the purpose of defraying the expenses of administer-

ing this Act every motor carrier operating as a contract carrier shall, at the time of the issuance of a permit to him and annually thereafter on or between September 1st and September 15th of each calendar year pay a special fee of Ten (\$10.00) Dollars for each motor vehicle operated or to be operated by such motor carrier. If the permit herein referred to is issued after the month of September of any year the fee paid shall be prorated to the remaining portion of the year ending August 31st following, but in no case less than one-fourth ($\frac{1}{4}$) the annual fee. Provided that no person now authorized by law to operate as a Class "A" or Class "B" motor carrier, and who has paid annual vehicle fees required by law of the holders of certificates or permits for the year ending September 1, 1931, shall be required to pay any additional vehicle fees or additional fees incident to the issuance of certificates or permits required in this Act, for the year ending September 1, 1931, in lieu of those now required by law. Every application for a permit shall be accompanied by a filing fee in the sum of Ten (\$10.00) Dollars which fee shall be in addition to other fees and taxes and shall be retained by the Commission whether the permit be granted or not."

Sec. 8. That Section 8 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 8. The Commission is hereby vested with power and authority, and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to ascertain and determine under such rules and regulations as it may promulgate, after considering existing transportation facilities, and the demand for, or need of additional service, if there exists a public necessity for such service, and if public convenience will be promoted by granting said application and permitting the operating of motor vehicles on the highways designated in such application as a common carrier for hire."

Sec. 9. That Section 9 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 9. The Commission shall ascertain and determine if a particular highway or highways designated in an application for a cer-

tificate of public convenience and necessity are of such type of construction or in such state of repair, or subject to such use as to permit of the use sought to be made by the applicant, without unreasonable interference with the use of such highways by the general public for highway purposes. And if the Commission shall determine, after hearing, that the service rendered by existing transportation facilities or agencies is reasonably adequate, or that public convenience would not be promoted by granting of said application, and the operation of motor vehicles on the public highways therein designated, or that such highway or highways are not in such state of repair, or are already subject to such use and would not permit of the use sought to be made by the applicant without unreasonable interference with the use of such highways by the general public for highway purposes, then in either or any of such events said application may be denied and said certificate refused, otherwise the application shall be granted and the certificate issued upon such terms and conditions as said Commission may impose and subject to such rules and regulations as it has or may thereafter prescribe.

In determining whether or not a certificate should be issued to a motor carrier, the Commission shall give weight and due regard to:

(1) Probable permanence and the quality of service offered by the applicant.

(2) The financial ability and responsibility of the applicant and its organization and personnel.

(3) The character of vehicles and the character and location of depots or termini proposed to be used.

(4) The experience of the applicant in the transportation of property and the character of the bond or insurance proposed to be given to insure the protection of the public."

Sec. 10. That section 10 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 10. No application for a certificate of public convenience and necessity shall be considered by said Commission unless it be in writing and set forth the following facts:

(1) It shall contain the name and address of the applicant and the names and addresses of its officers,

if any, and shall give full information concerning the financial condition and physical properties of the applicant.

(2) The complete route or routes over which the applicant desires to operate, together with the description of each vehicle which the applicant intends to use.

(3) A proposed schedule of service and a schedule of rates to be charged between the several points or localities to be served.

(4) It shall be accompanied by a plat or map showing the route or routes over which the applicant desires to operate, on which plat or map shall be delineated the line or lines of any existing transportation company or companies serving such territory, and shall point out the inadequacy of existing transportation facilities or service, and shall specify wherein additional facilities or service are required and would be secured by the granting of said application.

The Commission in prescribing and adopting rules and regulations and in forming its conclusions and in prescribing its orders shall invite the Highway Commission's opinion on the condition of the public highways involved and the ability of said highways to carry the existing and proposed additional traffic and the Commission shall give due and proper consideration to the orders, regulations, ordinances or recommendations of the Highway Commission of Texas; provided, however, nothing herein contained shall be deemed to restrict the powers of the Highway Commission under existing laws. The Commission shall also give due and proper consideration to the recommendations of the Commissioner's Courts of the several Counties and to the recommendations of the local government of any municipality through or between which motor carriers operate."

Sec. 11. That Section 11 of said Chapter be and the same is hereby amended to read as follows:

"Section 11. Upon the filing of said application for a certificate or permit, the Commission shall fix a time and place for hearing, and the place of hearing shall be in the City of Austin, Texas, unless otherwise ordered by the Commission. Notice of the filing of said application, and the time and place of hearing shall be given by mail not less

than ten (10) days exclusive of the day of mailing before such hearing, addressed to the owner or owners of existing transportation facilities, serving such territory as applicant seeks to serve, as well as to the Highway Commission of the State of Texas, the County Judge or Judges of the counties and to the mayor of any incorporated city or town through which such carrier seeks to operate."

Sec. 12. That Section 12 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 12 (a) The hearing on an application for certificate or permit shall be conducted under such rules and regulations as the Commission may prescribe, and the parties interested, including the Highway Commission of this State, may appear either in person or by counsel and present such evidence and argument as they may desire and as the Commission may deem pertinent, in favor of or against the granting of such application. It shall be the duty of the Highway Commission, upon request of the Commission, to furnish information relating to the highway or highways designated in such application, as well as such other information as the Commission may deem pertinent to the hearing. After hearing and such investigation as the Commission may make, it shall be the duty of the Commission to grant or refuse the application, and in any contested hearing, the Commission shall along with its order, file a concise written opinion setting forth the facts and grounds for its action, and such opinion shall be admissible as evidence on any appeal taken therefrom; upon request of any party at interest in a contested hearing of any nature, the proceedings shall be taken down and reported by a reporter under the direction of the Commission.

(b) The Commission at any time after hearing had, upon notice to the holder of any certificate or permit and after opportunity given such holder to be heard, may by its order revoke, suspend or amend any certificate or permit issued under the provisions of this Act, where in such hearing the Commission shall find that such certificate or permit holder has discontinued operation or has violated, refused or neglected to observe the Commission's lawful orders, rules, rates or regulations or

has violated the terms of said certificate or permit; provided that the holder of such certificate or permit shall have the right of appeal as provided in this Act.

Sec. 13. That Section 13 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 13. Before any permit or certificate of public convenience and necessity may be issued to any motor carrier and before any motor carrier may lawfully operate under such permit or certificate as the case may be, such motor carrier shall file with the Commission bonds and insurance policies issued by some insurance company including mutuals and reciprocals or bonding company authorized by law to transact business in Texas in an amount to be fixed by the Commission under such rules and regulations as it may prescribe, which bonds and insurance policies shall provide that the obligor therein will pay to the extent of the face amount of such insurance policies and bonds all judgments which may be recovered against the motor carrier so filing said insurance policies and bonds, based on claims for loss or damages from personal injury or loss of, or injury to property occurring during the term of said bonds and policies and arising out of the actual operation of such motor carrier, and such bonds and policies shall also provide for successive recoveries to the complete exhaustion of the face amount thereof and that such judgments will be paid by the obligor in said bonds and insurance policies irrespective of the solvency or insolvency of the motor carrier, provided, however, such bonds and policies shall not cover personal injuries sustained by the servants, agents or employees of such motor carrier. Provided further that in the event the insured shall abandon his permit or certificate and leave the State, a claimant, asserting a claim within the provision of said bonds or policies, may file suit against the company executing such bond or policies in a court of competent jurisdiction without the necessity of making the insured a party to said suit. Provided, however, that the Commission shall not require insurance covering loss of or damage to cargo in amount excessive for the class of service to be rendered by any motor carrier. Each such motor carrier shall, on or before the date

of the expiration of the term of any policy or bond so filed by him, file a renewal thereof, or new bonds or policies containing the same terms and obligations of the preceding bonds and policies, and shall each year thereafter on or before the expiration date of the existing bonds and policies, file such renewal policies and bonds so as to provide continuous and unbroken protection to the public having legal claims against such motor carrier, and in the event such renewal bonds and policies are not so filed, the permit or certificate of public convenience and necessity of such motor carrier shall automatically expire and cease to exist.

Each motor carrier shall also protect his employees by taking out workmen's compensation insurance, either as provided by the Workmen's Compensation Laws of the State of Texas, or in a reliable insurance company authorized to write workmen's compensation insurance approved by the Commission."

Sec. 14. That Section 13a of said Chapter be and the same is hereby amended to read as follows:

"Sec. 13(a). The Commission is vested with power and authority, and it is hereby made its duty to approve or disapprove the nature and character of the equipment to be used under any permit or certificate and the amount and character of tonnage which may be hauled thereunder on any motor vehicle, trailer or semi-trailer used under such permit or certificate and in approving the amount and character of tonnage to be hauled on any such vehicles, trailers or semi-trailers under any permit or certificate, it may fix the number and size of boxes, packages, barrels or bales of any particular commodity to be transported on any such vehicles, trailers or semi-trailers under such permit or certificate and the method of loading such boxes, packages, barrels or bales of such commodity on the motor vehicles, trailers, and semi-trailers to be used under such permit or certificate; provided, however, said Commission shall not authorize the use of any equipment of greater dimensions than otherwise permitted by law, nor any tonnage of greater weight than otherwise permitted by law.

Provided that if this section is for any reason held to be unconstitutional and invalid such decision shall

not effect the validity of the remaining portions of this Act and the legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; provided further, that if this Act or any section, subsection, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

Sec. 15. That Section 13a of said Chapter be and the same is hereby further amended by adding thereto the following Section to be known as Section 13b:

"Sec. 13(b). The Commission is hereby vested with power and authority and it is hereby made its duty to require all motor carriers to keep a set of accounts strictly in accordance with such classification of accounts and rules in respect thereto as may be established by the Commission and to file reports and such other data as the Commission may deem necessary, and which said accounts shall be open to the inspection of the Commission or its representatives at all times."

Sec. 16. That Section 15 of said Chapter be and the same is hereby amended by adding thereto the following Section to be known as Section 15a:

"Sec. 15(a). Provided that any motor carrier at interest in any hearing may submit to the Commission the names and addresses of witnesses which he or it desires to use in such hearing, and it shall be the duty of the Commission to summon such witnesses."

Sec. 17. That Section 16 of said Chapter be and the same is hereby amended to read as follows:

"Sec. 16(a). Every officer, agent, servant or employee of any corporation and every other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of this Act or who violates or fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand, or requirement of the Commission shall be guilty of a misdemeanor and, upon conviction

thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars and the violations occurring on each day shall each day shall each constitute a separate offense.

(b) Every officer, agent, servant or employee of any corporation and every other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of this Act or who violates or fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand or requirement of the Commission shall in addition be subject to and shall pay a penalty not exceeding One Hundred (\$100.00) Dollars, for each and every day of such violation. Such penalty shall be recovered in any Court of competent jurisdiction in the county in which the violation occurs. Suit for such penalty or penalties shall be so instituted and conducted by the Attorney General of the State of Texas, or by the County or District Attorney in the county in which the violation occurs, in the name of the State of Texas.

(c) Upon the violation of any provision of this Act, or upon the violation of any rule, regulation, order or decree of the Commission promulgated under the terms of this Act, any District Court of any county where such violation occurs shall have the power to restrain and enjoin the person, firm or corporation so offending from further violating the provisions of this Act or from further violating any of the rules, regulations, orders and decrees of the Commission. Such injunctive relief may be granted upon the application of the Commission, the Attorney General or any District or County Attorney. No bond shall be required when such injunctive relief is sought upon the application of the Commission, Attorney General or any District or County Attorney. Such relief may be granted in suits for penalties as provided in subdivision (b) of this Section, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this subdivision.

(d) Any authorized inspector for the Commission shall have the power and authority to make arrests for any violations of this Act and it shall be the duty of all judges, prose-

cuting attorneys and peace officers of the counties and municipalities of this State to assist in the enforcement of this Act.

(c) The Commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle, setting out the certificate or permit number and the route or territory over which the vehicle is authorized to operate, giving the name and address of the owner of said certificate or permit. It shall be unlawful for the owner of said certificate or permit, his agent, servant or employee, or any other person to use or display said identification card after said certificate or permit has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the Railroad Commission.

(f) It shall be unlawful for any owner of a certificate or permit, his agent, servant, or employee, to display upon any motor vehicle the certificate or permit number, or other insignia of authority from the Railroad Commission after said certificate or permit has expired, or has been cancelled.

(g) It shall be unlawful for any motor carrier (common or contract), or the owner of a certificate or permit, or his agent, servant or employee, directly or indirectly, to offer, permit or give to any person, directly or indirectly, any commission or other consideration to induce such person to deliver to such motor carrier or certificate or permit owner, property to be transported; and it likewise shall be unlawful for any shipper or consignee or his agent, servant, or employee, to receive from such motor carrier, directly or indirectly, any such commission or consideration as an inducement to secure the transportation of any such property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not to exceed Two Hundred (\$200.00) Dollars, and each such transaction shall constitute a separate offense.

(h) Any common carrier motor carrier, his agent, servant, or employee who directly or indirectly gives to any shipper any rebate, or any shipper, his agent, servant, or

employee who directly or indirectly receives any rebate, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense in any court of competent jurisdiction in this State. It being the intention of this Act that such motor carriers shall in every instance collect and receive, and the shipper shall pay, only the rate or fee prescribed or approved by the Commission.

(i) If any motor carrier, or any officer, agent, clerk, servant, or employee, or receiver, or his agents, servants, or employee, of any motor carrier operating as a contract carrier in this State, shall, directly or indirectly, or by any special rate, rebate, draw-back, or other device, for or on behalf of such contract carrier, knowingly charge, demand, or contract for, collect or receive from any person, firm or corporation a less compensation for any service rendered or to be rendered by any such contract carrier than is prescribed for said service by said Commission, such contract carrier or any officer, clerk, servant, or employee, or receiver, his agents, servants, or employee, of such contract carrier shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not to exceed Two Hundred (\$200.00) Dollars for each offense; and every person who violates or fails to comply with, or procures, aids, or abets any contract carrier in the violation of the provisions hereof shall likewise be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars for each offense."

Sec. 18. That Section 17 (a) of said Chapter be and the same is hereby amended to read as follows:

"Section 17 (a). For the purpose of defraying the expense of administering this Act, every common carrier motor carrier now regularly operating, or which shall hereafter regularly operate in this State, shall at the time of the issuance of a certificate of convenience and necessity, unless otherwise provided herein, and annually thereafter, on or between September 1st and September 15th of each calendar year, pay a special fee of Ten (\$10.00) Dollars, for each motor propelled vehicle op-

erated or to be operated by such motor carrier in the carriage of property. If the certificate of convenience and necessity herein referred to is issued after the month of September of any year the fee paid shall be prorated to the remaining portion of the year ending August 31st following, but in no case less than one-fourth (1-4) the annual fee. In case of emergency or unusual temporary demands for transportation the fee for additional motor propelled vehicles for less period shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order. Every application for a certificate of convenience and necessity shall be accompanied by a filing fee in the sum of Twenty-five (\$25.00) Dollars, which fee shall be in addition to other fees and taxes and shall be retained by the Commission whether the certificate of convenience and necessity be granted or not."

Sec. 19. That Section 18 of said Chapter be and the same is hereby amended to read as follows:

'Section 18. It shall be unlawful for any motor carrier as hereinbefore defined to operate any motor vehicle within this State unless there shall be displayed and firmly fixed upon the front and rear of such vehicle and identification plate to be furnished by the Commission. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to the vehicle by the Commission and such other marks of identification as may be necessary. The plates for common carrier vehicles and the plates for contract carrier vehicles shall be different in design. The identification plates provided for herein shall be in addition to the regular license plates required by law. It shall be the duty of the Commission to provide these plates and each motor vehicle operating in this State shall display such plates as soon as the same are received and such plates shall be issued annually thereafter and attached to each motor vehicle not later than September 1st of each year, or as soon thereafter as possible. The Commission shall be authorized to collect from the appli-

cant a fee of One (\$1.00) Dollar, for each pair of plates so issued, and all fees for such plates shall be deposited in the State Treasury to the credit of the "Motor Carrier Fund."

Sec. 20. That Section 19 (a) and (b) of said Chapter be and the same is hereby amended to read as follows:

"Section 19 (a) The Commission shall have power to employ and appoint from time to time such experts, assistants, and other help, in addition to its present force, as may be deemed necessary to enable it at all times to properly administer and enforce this Act. Such persons and employees of the Commission shall be paid for the service rendered such sums as may be fixed and prescribed by the Commission in monthly installments, and no employee of the Commission shall ask or receive any fee from any person for the taking of acknowledgment or any other service except as herein provided, and such salaries, wages, and all fees that may be paid to witnesses and officers shall be paid out of the Motor Carrier Fund by the State Treasurer on warrants of the Comptroller of Public Accounts on order or voucher approved by the Commission or the Chairman thereof. All actual and necessary traveling expenses of the members of the Commission and employees shall also be paid out of said Fund in the same manner as salaries, wages, and fees when such accounts shall have been itemized and sworn to by the Commission or employee incurring the expenses and approved by the Commission or the Chairman thereof.

(b) If the amount of total fees collected under the provisions of this Act shall not be sufficient during any annual period to pay such salaries, costs, charges, fees, and expenses, then the deficit shall be paid by the State Treasurer out of any fund not otherwise appropriated. Until sufficient funds have accrued to said Motor Carrier Fund for the payment of expenses, fees, etc, as provided herein, said expenses shall be paid by the State Treasurer out of any funds not otherwise appropriated, such sum to be paid out of the General Revenue not to exceed the sum of Five thousand (\$5,000.00) Dollars, and said sum is hereby appropriated. Any surplus remaining in the Motor Carrier Fund at the

end of any fiscal year, after paying such salaries, accounts, fees and charges and after deducting such amounts as may be contracted to be paid and incurred and such sums as may be reasonably estimated by the Commission for its use pending further collection of fees, shall be paid over to the General Revenue Fund."

Sec. 21. That Section 22 of said Chapter be and the same is hereby amended by adding thereto a new Section to be known as Section 22 b., to read as follows:

"Section 22b. Declaration of Policy. The business of operating as a motor carrier of property for hire along the highways of this State is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic, and the fact that under existing law many motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulation should be employed, to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that discrimination in rates charged may be eliminated; that congestion of traffic on the highways may be minimized; that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public, and that the various transportation agencies of the State may be adjusted and correlated so that public highways may serve the best interest of the general public."

Sec. 22. All laws and parts of laws in conflict herewith are hereby expressly repealed. Provided, however, that nothing in this Act shall be construed as giving legislative sanction to any Act that would violate the provisions of the Anti-trust Laws of Texas.

Sec. 23. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of

the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 24. The fact that there is at this time a large number of individuals, firms, and corporations using the highways of this State for the transportation of property for hire by motor propelled vehicles and the further fact that the present law does not effectively regulate this extensive business and the fact that no law adequately protects the public in its dealing with such-carriers, and in its use of the highway, creates an emergency and a public necessity requiring the suspension of the Constitutional Rule which requires all bills to be read in each House on three several days, and that such rule be and the same is hereby suspended and that this Act shall take effect from and after its passage and it is so enacted.

WOODUL,
RAWLINGS,
MARTIN,
WOODWARD,
WILLIAMSON.

On part of the Senate.

MURPHY,
DAVIS,
McGREGOR.

On part of the House.

Senator Holbrook moved that the report be printed in the Journal before further action on the bill was taken.

Senator Woodruff moved as a substitute that the report be rejected. The motion was lost.

The motion to print prevailed.

Conference Committee Report.

Senator Woodul sent up the following Free Conference Committee Report on H. B. No. 336:

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House.

Gentlemen:

We, the Free Conference Committee on H. B. No. 336, being,

An Act to amend Chapter 42, General Laws of the State of Texas, 41st, Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways; etc.,

Have had the same under consideration and we beg leave to

report it back with the recommendation that it do not pass but that the following committee substitute bill do pass in lieu thereof.

Committee Substitute to House Bill No. 336.

A BILL

To Be Entitled

An Act to amend Chapter 42, General Laws of the State of Texas, 41st Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways; defining the term "vehicle"; making it unlawful to operate or cause to be operated a vehicle of a size or weight exceeding the limitations prescribed in this Act, with exceptions providing for permits for certain vehicles and loads exceeding the limitations prescribed in this Act; prescribing the width, height and length of vehicles and combinations of vehicles and loads which may be lawfully operated on public highways; limiting the extent to which any part of the load may extend beyond the front or rear of any vehicles or vehicles; limiting the extent that any load may extend beyond the sides of any passenger vehicles; making it unlawful to operate any motor vehicle having a load in any container, box or binding containing more than thirty (30) cubic feet and weighing more than five (500) pounds where there are more than fourteen (14) of such containers upon any vehicle or combination thereof; providing for the displaying of red flags or red lights whenever the load or drawbar or coupling of a vehicle extends beyond the rear or the bed or the body thereof; prescribing the maximum load that may be carried on public highways by any commercial motor vehicle, truck-tractor, trailer, or semi-trailer, or combination or train of such vehicles operating outside of the limits of an incorporated city or town, and prescribing the maximum weight per inch width of tire for any motor vehicle that may be operated on a public highway, providing that such provisions as to maximum load and maximum weight per inch width of tire shall not become effective until January 1, 1932; providing that applicants for registration of any commercial motor vehicle, truck-tractor, trailer or semi-trailer shall make

and deliver to the Tax Collector an affidavit showing the weight of the vehicle, which weight shall also be shown on the license receipt which shall be carried on any such vehicle at all times, and making said affidavit prima facie evidence of the weight of said vehicle; providing certain exceptions to the limitations imposed by this Act as to length of vehicle or combination of vehicles and weight of loads, and of height of vehicle with load when such vehicle is used only to transport property by way of the shortest practicable route over the public highway under specified conditions; regulating the number of trailers which may be drawn by or attached to any motor vehicle; limiting the length of the drawbar or other connection between any two vehicles; regulating the speed of vehicles, commercial motor vehicles and motor vehicles transporting passengers for hire; providing for the carrying of certain clearance lamps or reflectors and lamps or lanterns on certain vehicles and prescribing an exception for vehicles drawn by animal power; requiring the keeping of certain lamps on vehicles lighted under certain conditions; providing that it shall be unlawful to operate any vehicle upon the highway with a red light visible directly from the front thereof with exceptions; prescribing character of and regulating use of brakes, horns and warning devices; providing that every motor vehicle engaged in the transportation of passengers for hire shall be equipped with a fire extinguisher; providing that it shall be unlawful for any person to operate or permit to be operated any commercial motor vehicle of over one ton carrying capacity upon the highway without having a chauffeur's license; making the violation of any provision of this Act a misdemeanor, and fixing and providing penalties and punishments; reserving certain powers to governing bodies of cities and towns; providing that the unconstitutionality of any part or parts of this Act shall not affect the validity of the remaining parts thereof; repealing all laws or parts of laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of Chapter 42, General Laws of the State of Texas passed by the 41st Legislature, Second Called Session, relating to the operation of vehicles on the public highways, be and the same is hereby amended to hereafter read as follows:

"Section 1. The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this Section, as follows:

"'Vehicle'. Every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, an hereinafter defined, but excepting devices moved by human power or used exclusively upon stationery rails or tracks.

"'Motor Vehicle'. Every vehicle, as herein defined, which is self-propelled.

"'Commercial Vehicle'. Any motor vehicle other than a motor-cycle, designed or used for the transportation of property, including every vehicle used for delivery purposes.

"'Truck-Tractors'. Every motor vehicle designed or used primarily for drawing vehicles, and not so construed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"'Trailer'. Every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"'Semi-trailer'. Every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

"'Department'. The State Highway Department of this State, acting directly or through its duly authorized officers and agents."

Sec. 2. That Section 2 of said Chapter be and the same is hereby amended to hereafter read as follows:

"Sec. 2. It shall be unlawful and constitute a misdemeanor for any person to drive, operate or move, or for the owner to cause or permit to be driven, operated, or moved on any highway, any vehicle or vehicles of a size or weight exceeding the limitations stated in this Act or any vehicle or vehicles which are

not constructed or equipped as required in this Act, or to transport thereon any load or loads exceeding the dimensions or weight prescribed in this Act; provided the Department, acting directly or through its agent or agents designated in each county, shall have and is hereby granted authority to grant permits limited to periods of ninety (90) days or less for the transportation over State highways of such overweight or overlength commodities as cannot be reasonable dismantled or for the operation over State highways of super-heavy and over-size equipment for the transportation of such over-size or overweight or over-length commodities as cannot be reasonably dismantled, provided, that any haul or hauls made under such permits shall be made by the shortest practicable route; provided further that the Department shall designate the County Judges of the respective counties in addition to its other designated agents, who acting under the direction of the Department shall have and are hereby granted authority to issue such permits over State highways; and provided further, that the Commissioners' Courts through the County Judges of the several counties of the State shall have and are hereby granted authority to grant such permits over the highways of their respective counties other than state highways, and the said County Judges shall have and are hereby granted said authority independently of the said Commissioners' Courts, until such time as the said Courts shall have acted with respect thereto. Said Commissioners' Courts, in their discretion, may require a bond to be executed by an applicant in such amount as will guarantee the payment of any damages which any road or bridge traversed or crossed may sustain in consequence of the transportation aforesaid."

Sec. 3. That Section 3 of said Chapter be and the same is hereby amended to hereafter read as follows:

"Sec. 3 (a) No vehicle shall exceed a total outside width including any load thereon, of ninety-six (96) inches except that the width of a farm tractor shall not exceed nine (9) feet, and except further, that the limitations as to size of vehicle stated in this section shall not apply to implements of husbandry, in-

cluding machinery used solely for the purpose of drilling water wells, and highway building and maintenance machinery temporarily propelled or moved upon the public highway.

"(b) No vehicle unladen or with load shall exceed a height of twelve feet six inches (12 ft. 6 in.) including load.

"(c) No motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semi-trailer shall exceed a length of thirty-five (35) feet, and no combination of such vehicles coupled together shall exceed a total length of forty-five (45) feet, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town.

"(d) No train or combination of vehicles or vehicle operated alone shall carry any load extending more than three (3) feet beyond the front thereof, nor, except, as hereinbefore provided, more than four (4) feet beyond the rear thereof.

"(e) No passenger vehicle shall carry any load extending more than three (3) inches beyond the line of the fenders on the left side of such vehicle, nor extending more than six (6) inches beyond the line of the fenders on the right side thereof; provided, that the total over-all width of such passenger vehicle shall in no event exceed ninety-six (96) inches, including any and all such load.

"(f) Immediately upon the taking effect of this Act, it shall thereafter be unlawful for any person to operate or move or for any owner to cause to be operated or moved any motor vehicle or combination thereof over the highways of this State which shall have as a load or as a part of the load thereon any product, commodity, goods, wares or merchandise which is contained, boxed, or bound in any container, box or binding containing more than thirty (30) cubic feet and weighing more than five hundred (500) pounds where there are more than fourteen (14) of such containers, boxes or bindings being carried as a load on any such vehicle or combination thereof; provided that no number of any such containers, boxes or bindings shall be carried as the whole or part of any load exceeding seven thousand (7,000) pounds on any such vehicle or com-

bination thereof and provided that if this sub-section is for any reason held to be unconstitutional and invalid such decision shall not affect the validity of the remaining portions of this Act and the Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; provided, further, that if this Act or any section, sub-section, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

Sec. 4. That Section 4 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Sec. 4. Wherever the load or drawbar or coupling on any vehicle shall extend beyond the rear or the bed or body thereof, there shall be displayed at the end of such load or extension in such position as to be clearly visible at all times from the rear of such load or extension, a red flag not less than twelve (12) inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise, there shall be displayed at the end of any such load or extension a red light plainly visible under normal atmospheric conditions at least five hundred (500) feet from the rear of such vehicle."

Sec. 5. That Section 5 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Sec. 5. No commercial motor vehicle, truck-tractor, trailer, or semi-trailer shall be operated on the public highway outside of the limits of an incorporated city or town with a load exceeding seven thousand (7,000) pounds on any such vehicle or train or combination of vehicles; and no motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer having a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway shall be operated on the public highways outside of the limits of an incorporated city or town; provided, how-

ever, that the provisions of this section shall not become effective until the first day of January, 1932."

Sec. 6. That Section 5 of said Chapter be and the same is hereby further amended by adding thereto a new section to be known as Section 5(a) which shall hereafter read as follows:

"Sec. 5(a). Upon application for registration of any commercial motor vehicle, truck-tractor, trailer or semi-trailer, the applicant shall deliver to the tax collector, or one of his duly authorized deputies, an affidavit, duly sworn to before an officer authorized to administer oaths, showing the weight of said vehicle, which affidavit shall be kept on file by the collector. The license receipt issued to the applicant shall also show said weight. A copy of said receipt shall be carried at all times on any such vehicle while same is upon the public highway. Such affidavit, or a certified copy thereof, may be introduced as evidence showing the weight of said vehicle and such affidavit shall be prima facie evidence of the weight thereof; provided, however, that it may be shown that said affidavit is false or that said weight inserted therein is incorrect."

Sec. 7. That Section 5 of said Chapter be and the same is hereby further amended by adding thereto a new section to be known as Section 5(b) which shall hereafter read as follows:

"Sec. 5 (b). The limitations imposed by this Act as to length of vehicle or combination of vehicles and weight of loads and of height of vehicle with load shall not apply to vehicles when used only to transport property from point of origin to the nearest practicable common carrier receiving or loading point or from a common carrier unloading point by way of the shortest practicable route to destination, provided said vehicle does not pass a delivery or receiving point of a common carrier equipped to transport said load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common carrier receiving or loading point equipped to transport such load; provided, however, that in no event

except by special permit, as hereinabove specifically provided, shall the length of said vehicles exceed fifty-five (55) feet or the weight of such loads exceed fourteen thousand (14,000) pounds; and provided, further, that the limitations imposed by this Act upon weight per inch width of tire shall apply to all such vehicles and loads; provided that if this Act or any other section, subsection, sentence, clause or phrase thereof, is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

Sec. 8. That section 7 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Sec. 7 (a). No motor vehicle shall be driven upon any highway outside of the limits of an incorporated city or town drawing or having attached thereto more than one trailer.

"(b) The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed twenty (20) feet in length from one vehicle to the other."

Sec. 9. That Section 8 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Sec. 8. Rate and speed of vehicle. It shall be unlawful for any person to operate or drive any motor or other vehicle upon the public highways of Texas at a rate of speed in excess of forty-five (45) miles an hour, or drive or operate a motor or other vehicle within the corporate limits of an incorporated city or town or within or through any town or village not incorporated, at a greater rate of speed than twenty (20) miles per hour, provided that it shall be unlawful to operate upon said public highways a commercial motor vehicle as defined in this Act of either a registered or actual gross weight of six thousand (6,000) pounds or less at a rate of speed in excess of forty (40) miles per hour or such vehicle of either a registered or actual gross weight of over six thousand (6,000) pounds, at a rate of speed in excess of

twenty-five (25) miles per hour, or within the corporate limits of any incorporated city or town or within or through any town or village not incorporated at a rate of speed in excess of eighteen (18) miles per hour. Provided further that it shall be unlawful to operate any motor vehicle engaged in this State in the business of transporting passengers for compensation or hire on any highway, road or thoroughfare not privately owned between cities, towns and villages at a rate of speed in excess of forty (40) miles per hour."

Sec. 10. That Section 9 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Sec. 9. Every motor vehicle, other than any road-roller, road machinery or farm tractor, having a width at any part in excess of seventy (70) inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red or yellow light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle, both of which lights shall be kept lighted while any such vehicle is upon the highway from one-half hour after sunset to one-half hour before sunrise. A motor vehicle requiring clearance lights hereunder may, in lieu of such clearance lights, be equipped with adequate reflectors conforming as to color and marginal location to the requirements for clearance lights. No such reflector shall be deemed adequate unless it is so designed, located as to height and maintained as to be visible for at least two hundred (200) feet when opposed by the light of a motor vehicle displaying lawful, undimmed headlights at night on an unlighted highway. Reflectors herein referred to must be approved by the Department as to specifications before they can be lawfully used on a vehicle, and it shall be unlawful and constitute a misdemeanor to use a reflector on a motor vehicle unless it has been approved by the Department, and

such approval by the Department shall be firmly affixed to such reflector.

"All vehicles not heretofore by law required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and displaying a red, or yellow, light visible under like conditions from a distance of not less than five hundred (500) feet to the rear of such vehicle, which lights shall be kept lighted while the vehicle is upon a highway from one-half hour after sunset to one-half hour before sunrise. Provided, however, that vehicles drawn by animal power may in lieu of such lamps or lanterns be equipped with adequate reflectors.

"Every owner, driver or operator of a vehicle while it is upon the main traveled portion of a highway during the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person upon the highway for a distance of at least two hundred (200) feet ahead, shall keep lighted all lamps or lighting devices with which such vehicle is required to be equipped, whether the vehicle is in motion or not.

"It shall be unlawful for any person to operate or move any vehicle upon a highway with a red light thereon visible directly from the front thereof, except, that this provision shall not apply to law enforcement officers, fire departments, and ambulances.

"Every motor vehicle other than a motor cycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. Any motor vehicle or combination of motor vehicle, trailer, or semi-trailer or other vehicle, shall be equipped with

brakes upon one or more of such vehicles, adequate to stop such combination of vehicles in dry weather upon a reasonably level surface within a distance of forty five (45) feet from the spot where such brakes are first applied when such vehicle or combination of vehicles are traveling at a rate of speed of twenty (20) miles per hour.

"Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sounds audible under normal conditions for a distance of not less than two hundred (200) feet, and it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any bell, siren, compression or exhaust whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by mean of a horn or other warning device, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression or exhaust whistle.

"Every motor vehicle engaged in the transportation of passengers for hire shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use.

"It shall be unlawful for any person to operate or permit to be operated any commercial motor vehicle of over one ton carrying capacity upon the highway of this State without having first obtained a chauffeur's license as provided in Article 6687 of the Revised Civil Statutes of Texas of 1925."

Section 11. That Section 15 of said Chapter be, and the same is hereby amended to hereafter read as follows:

"Section 15(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

"(b) Any person, corporation or receiver, who violates any provision of this Act shall, upon conviction, be punished by a fine of not more than Two Hundred Dollars (\$200.00); for a second conviction within one (1) year thereafter such person, corporation or receiver, shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail for not more than sixty (60) days or by both

such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the second conviction such person, corporation or receiver, shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fines herein provided for may be imposed against them in lieu of imprisonment."

Sec. 12. Nothing contained in this Act shall be construed so as to limit, restrict or impair the rights, powers and duties of the governing bodies of cities and towns in this state to continue the exercise of, control over and regulations in respect to streets, alleys and other public places located within the corporate limits of cities and towns, nor to limit or restrict the right of cities and towns to regulate and control traffic upon the streets, alleys and other public places in cities and towns under any law of this State; provided, no city or town shall pass any ordinance or make any regulation establishing any limit or requirement less than is provided for by the terms of this Act.

Sec. 13. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more of the sections, subsection, sentence, clauses or phrases be declared unconstitutional.

Sec. 14. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 15. The importance of this measure for the benefit of public safety and protection of the highways creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule relating to the reading of bills on three several days in each House; and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MURPHEY,
McGREGOR,
DAVIS.

On the part of the House.

WOODUL,
MARTIN,
WOODWARD.

On the part of the Senate.

On motion of Senator Woodul, the bill was ordered printed in the Journal.

Minority Statement--House Bill 336.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker, of the House of Representatives.

Sirs: We, the undersigned members of Free Conference Committee, appointed to consider House Bills 335 and 336, make the following statement of our reasons for failing to sign the majority report as to House Bill 336:

This bill purports to be a measure designed for the protection of the highways, but as recommended by the majority of this Committee, it is a measure designed to protect rail carriers from competition of the traffic upon the highways. The bill is clearly designed to allow the operation of busses as now conducted by the Railroads but will have the effect of eliminating trucks as a factor of competition with rail carriers.

The effort to eliminate the trucks without disturbing the busses results in a piece of legislation that is somewhat grotesque and clearly departs from any logical argument that protection of the highways is afforded or intended.

The width of all motor vehicles is allowed in the majority report to remain at 96 inches. We consider this a proper width but regard it as more than a coincidence that this happens to be the maximum width of any bus now operated by any railroad in Texas.

Height of all vehicles is increased from 11 feet in the original bill to 12 feet 6 inches in the majority report. This is not an unreasonable height.

Length of any one vehicle is raised from 30 feet in the original bill to 35 feet in the majority report. It is to be noted that the larger busses owned by rail lines in Texas measure 33 feet in length. A semi-trailer or train combination is permitted to be 45 feet in length. The standard recommended by the National Motor Vehicle Conference is 65 feet in length.

The bill approved by the majority

of this Committee proposes to fix for this state a maximum pay load that may be carried on any motor vehicle or combination of vehicles at 7,000 pounds. Only one other state applies the restriction based upon the pay load that may be carried upon a vehicle and no consideration of highway preservation permits any such restriction. The universally applied restriction is upon the gross weight of a vehicle and its load. This is the present method in Texas and the right one. If motor trucks as now operated are unduly damaging to highways the gross weight of the vehicle and its load should be reduced. Under the bill recommended by the majority there is no restriction on gross weight and a 50,000 pound vehicle could be used on the highways of Texas provided it did not carry more than 7,000 pounds as its load.

It is significant to note that the largest of the busses operated by railroads in Texas have a gross weight of approximately 22,000 pounds. If highway damage does not occur from a bus of this weight operating at high speed, then it would not occur from a truck of equal gross weight operating at a lower speed. If the same gross weight were allowed for a truck as for a bus, it would permit the use of an 8,000 pound truck with a 14,000 pound pay load, or a 10,000 pound truck with a 12,000 pound pay load. Operation with either 10,000 or 12,000 pound pay load would tend to afford economical use of trucks as a competitive factor in the less than car load shipments of merchandise, livestock and other products, and this was objectionable to the majority. Restrictions proposed in the majority report will have a severe effect upon the commerce of this state and will result in substantial increase in the transportation rates prevailing in the state, as they are clearly designed to do. With no limitation placed upon the gross weight of vehicle and load such highway preservation as occurs will be only the by-product of an undisguised effort to restrict competition in the transportation field.

The above severe and unreasonable restrictions as to weight are not to apply in the case of trucks hauling to or from the nearest common carrier receiving or delivering point.

In such cases the allowable length is increased to 55 feet and the allowable pay load to 14,000 pounds. Further exceptions are provided whereunder the Highway Department or any County Judge may issue ninety day permits for oversize or overweight or overlength loads to be transported anywhere. This provision while operating liberally will override the measure passed by the Forty-first Legislature regulating movement of super-heavy equipment and loads upon the payment of a special fee for each separate haul, which measure was designed for the protection of the highways and introduced and passed upon the recommendation of the State Highway Department.

No restrictions in the proposed bill are to apply within incorporated cities and towns. If this bill were truly a measure to protect highways, the question of eliminating territory inside incorporated cities and towns would be negligible, but since this is a criminal statute for the purpose of denying the right to economical truck operation on the highways of this state it certainly cannot exclude any territory from the operation of this criminal statute. The bill fixes the cities and towns as delivery and distributing points, and, therefore, makes the criminal features binding in such cities and towns, although at the same time attempting to exclude them.

The proposed bill provides that any vehicle of less than 6,000 pounds gross weight shall be permitted to operate at a speed not exceeding forty miles per hour. If, however, the gross weight exceeds 6,000 pounds the speed limit shall not be more than 25 miles per hour. The present law provides for a speed limit much lower than 25 miles on the heavier vehicles. It is to be noted that the proposed bill allows any bus of whatever weight to operate at forty miles per hour.

An analysis of all experiences in operating trucks clearly demonstrates that no considerable transportation service can be built up on the highways if limited to a 7,000 pound pay load. The operating cost per mile would be prohibitive. Great injustice will be done to the small merchant who cannot afford to buy his merchandise in car load lots and give undue advantage to the larger

concerns and chain store systems who own their own fleet of trucks. The result of such curtailment of the transportation service on the highways would be very detrimental, particularly to the small towns of this state.

7,000 pound pay load practically eliminates the economical transportation on the highways of livestock, milk-hauling agencies and various other forms of haulage that affect the pursuits and prosperity of the producers and distributors of this state. All these drastic restrictions apply not only to motor vehicles used for profit but likewise to vehicles used for private purposes.

In a large number of the states there were introduced in the Legislatures at the beginning of this year bills almost identical with House Bill 336 as originally introduced in this Legislature. Not one of them passed in anything like its original form. The following is a list of the states that have passed, while this Legislature has been in session measures designed to limit the weight of trucks and opposite each state is indicated the weight which was fixed in the measures that finally passed:

Alabama:

House Bill 52.

Gross Weight on one axle 12,000 lbs.
Gross Weight on motor vehicle or combination 32,000 lbs.

Delaware:

House Bill 175

Gross weight on 4 wheels 26,000 lbs.
Gross weight on 6 wheels 36,000 lbs.
Gross weight on semi-trailer or combination 40,000 lbs.

Georgia:

Senate Bill 6

Pay load 12,500 lbs.

Indiana:

Senate Bill 124

Gross weight on any four wheels 24,000 lbs.
With liberal allowance for 6 wheel combinations.

Kansas:

Senate Bill 388

Gross weight on 4 wheels 24,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

Maine:

House Paper 1090

Gross weight on 4 wheels 18,000 lbs.
Extra allowance on 6 wheel combinations 9,000 lbs.

Massachusetts:

House Bill 1391

Gross weight on 4 wheels 30,000 lbs.
Gross weight on 6 wheels 40,000 lbs.

Montana:

House Bill 399

Gross weight on 4 wheels 24,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

Nevada:

House Bill 174

Gross weight on 4 wheels 25,000 lbs.
Gross weight on 6 wheels 38,000 lbs.

New Mexico:

Senate Bill 89

Gross weight on any one axle 18,000 lbs.

New York:

House Bill 1750

Gross weight on 4 wheels 36,000 lbs.
Gross weight on 6 wheels 44,000 lbs.
Gross weight on 8 wheels 50,000 lbs.

North Dakota:

Senate Bill 80

Gross weight any vehicle or combination 20,000 lbs.

Oregon:

Senate Bill 355

Gross weight on single unit or any combination 49,000 lbs.

Utah:

Senate Bill 33

Gross weight on 4 wheels 26,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

West Virginia:

House Bill 195

Gross weight in agricultural areas on 4 wheels 32,000 lbs.
Gross weight metropolitan areas on 4 wheels 44,800 lbs.

It is to be noted that no state applied the pay load basis except Georgia, and this was raised to 12,500 lbs.

The Minnesota Legislature passed a measure similar to the one proposed by the majority of this Committee, known as House File 758. This was vetoed by Governor Olson, from whose veto measure the following extracts are taken:

"The bill is in anticipation of a substantial increase in railroad rates in Minnesota which will take effect about July 1, next, and is designed

to force the rates to be then charged by common carrier trucks up to the rates to be then charged by common carrier railroads."

"Expressed in frank terms, the purpose of the bill is to force the common carrier trucks out of business and restore to the railroads the so-called less than carload lot transportation business heretofore taken from them by the common carrier trucks."

"The rates of common carrier railroads and common carrier trucks are now about equal, but it is anticipated that the proposed increase in railroad rates without a like increase in truck rates will cause the railroads to lose more of their less than carload lot business to the trucks."

"Railroad transportation has been and is vitally essential to us and the railroads are entitled to protection from unfair competition. I assume that the substantial rate increase soon to take effect by order of the Interstate Commerce Commission was at the solicitation of the railroads."

"In effect, therefore, they are asking the state to protect them from the consequences of a situation which they themselves contributed to bring about. That protection will also result in imposing a heavier transportation charge burden upon the people of the state. * * *

"For years the people of Minnesota have complained because of the burden imposed on them by railroad transportation rates. That burden has been particularly severe on the farmers of Minnesota."

"This bill, in my opinion, if permitted by me to become a law would work a severe injustice on the independent merchants of Minnesota, who are unable to purchase commodities in carload lots, and will be able to compete with the chain institutions only because of the cheaper truck transportation rates for commodities shipped in less than carload lots."

The common carrier trucks are now regulated by the Minnesota Railroad and Warehouse Commission. The commission was created and has existed for the purpose of regulating rates to be charged by common carriers—truck or railroad—and any unfair competition against the railroads can be corrected by the Commission."

The situation in Texas at this time is almost identical to the conditions under which Governor Olson vetoed the bill passed by the Minnesota Legislature.

We of the minority cannot approve a measure designed for the protection of one industry that requires virtual confiscation of millions of dollars of equipment already purchased, while at the same time resulting in no public benefit, but on the other hand certain to result in a definite increase in the transportation cost of this state. Furthermore, passage of the measure recommended by the majority will result in loss of position to hundreds of men immediately and to thousands next January 1st, at a time when other places are almost impossible to find.

In our deliberations in the Free Conference Committee agreement was reached on some amendments proposed by the majority,—most of these were corrective. We were unable to have adopted any amendment proposed by the minority.

We have prepared no substitute bill, for the reason that both the Senate and the House, by their respective votes, so conclusively sustained the leadership of those who form the majority of this Conference Committee that we feel it unwise to spend the necessary effort and time to prepare a substitute measure unless instructed by our respective bodies to do so. We would recommend and support any measure dealing with weight, height, width, tire equipment, length of vehicles or combination that might be recommended by the State Highway Department of Texas and designed upon their recommendation as necessary for the preservation of the highway system of this state.

We recommend that the House and the Senate, or either of them, reject the majority report of this Free Conference Committee, and that the Committee be instructed to bring in a fair and constructive bill designed only for the preservation of the highways and the public safety.

Respectfully submitted,

RAWLINGS,
WILLIAMSON,

On the part of the Senate.

BUSH,

POPE,

On the part of the House.

Motion to Reconsider.

Senator Woodward moved to reconsider the vote by which the motion to print H. B. No. 331 on minority report was lost yesterday.

On motion of Senator DeBerry, the previous question was ordered on the motion.

The motion to reconsider was lost by the following vote:

Yeas—13.

Beck.	Poage.
Berkeley.	Purl.
DeBerry.	Small.
Hornsby.	Thomason.
Loy.	Woodruff.
Moore.	Woodward.
Oneal.	

Nays—14.

Cunningham.	Patton.
Greer.	Pollard.
Holbrook.	Rawlings.
Hopkins.	Russek.
Martin.	Stevenson.
Parr.	Williamson.
Parrish.	Woodul.

Absent.

Hardin.	Neal.
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(Pair Recorded.)

Senator Cousins (present) who would vote yea, with Senator Gainer (absent) who would vote nay.

House Bill No. 1047.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1047, A bill to be entitled "An Act to amend Senate Bill No. 139, as enacted by the Forty-second Legislature at its Regular Session, the purpose of which was to authorize county boards of school trustees in certain counties of Texas to employ rural school supervisors in lieu of holding teachers' institutes; defining their duties, fixing their compensation, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1047 was

put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Purl.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

House Bill No. 550.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Graves:

H. B. No. 550, A bill to be entitled "An Act amending Articles 1034 and 1035 of the Code of Criminal Procedure of 1925, so as to hereafter make the approval of officers' felony accounts to be made by the district judge, subject to and conditioned with the approval of the State Comptroller; providing for the recording of such approval in the minutes of the district court; providing that the district clerk shall make a certified copy from the minutes of said court of said bill and the action of the judge thereon, and the sending of the

same by registered mail to the Comptroller, etc., and declaring an emergency."

Read second time.

Senator DeBerry sent up the following amendments:

Amend House Bill No. 550, page one, by inserting before the word "amend" at beginning on line sixty-four the following: "Section two."

DeBERRY.

Read and adopted.

Amend House Bill No. 550 by striking out the paragraph beginning with the word "provided" in line six and ending with the word "notice" in line twelve, page two.

DeBERRY.

Read and adopted.

Amend House Bill No. 550 by striking out in lines eighteen and nineteen the words "of the final disposition of the case in which the services were rendered" and inserting in lieu thereof the following: "the same becomes due and payable."

DeBERRY.

Read and adopted.

Amendment No. 4.

Amend House Bill No. 550 by inserting a new section, to be known as section No. three (3), and reading as follows:

Section 3. Amend Sections 2, 3, 4, and 5, Article 1036, Code of Criminal Procedure, so as to hereafter read respectively as follows:

Section 2. Witness fees shall be allowed only to such witnesses as may have been summoned on the sworn written application of the State's attorney or the defendant or his attorney as provided in Article 463, Code of Criminal Procedure, which sworn application must be made at the time of the procuring of the subpoena, attachment for, or recognizance of, the witness. The judge to whom an application for attachment is made, may, in his discretion, grant or refuse such application, when presented in term time.

Section 3. Before the close of each term of district court, the witness shall make an affidavit stating the number of miles he will have traveled going to and returning from the court, by the nearest practical conveyance, and the number of days he will have been necessarily absent in going to and returning from the place of trial;

which affidavit shall be filed with the papers of the case. No witness shall receive pay for his services as a witness in more than one case at any one term of the court. Fees shall not be allowed to more than two witnesses to the same fact, unless the judge before whom the cause is tried shall, after such case has been tried, continued, or otherwise disposed of, certify that such witnesses were necessary in the cause.

No witness subpoenaed, recognized, or attached for the purpose of proving the general reputation of the defendant shall be allowed the benefits hereof, provided the trial judge may in his discretion, allow pay to not more than two character witnesses for the State and to not more than two character witnesses for the defendant.

Section 4. The district or criminal district judge, when any such claim is presented to him, shall examine the same carefully, and inquire into the correctness thereof, and approve same, in whole or in part, or disapprove the entire claim, as the facts and the law may require; and such approval shall be conditioned only upon the subject to the approval of the State Comptroller, as provided for in Article 1035 of the Code of Criminal Procedure; and said claim with the action of the judge thereon shall be entered on the minutes of said court; and upon the approval of said claim by the judge, the clerk shall make a certified list of said claim, upon forms prescribed by the Comptroller, furnishing such information as required by him, and send the same by registered letter to the Comptroller at such times as he may require, for which service the clerk shall be entitled to a fee of twenty-five cents which shall be paid by the witness.

Section 5. The Comptroller, upon receipt of such claim and the certified list provided for in the foregoing section, shall carefully examine the same and if he deem said claim correct, and in compliance with, and authorized by law in every respect, draw his warrant on the State Treasury for the amount due in favor of the witness entitled to same, or to any person such certificate has been assigned by such witness, but no warrant shall issue to any assignee of such witness's claim unless the assignment is made under oath and acknowledged before some person duly authorized to administer oaths, certified to by the officer and

under seal. If the appropriation for paying such account is exhausted, the Comptroller shall file the same away and issue a certificate in the name of the witness entitled to same, stating therein the amount of the claim. All such claims not filed in the office of the Comptroller within twelve months from the date same becomes due and payable, shall be forever barred.

DeBERRY.

Read and adopted.

Amendment No. 5.

Amend House Bill No. 550, by inserting a new section to be known as Section No. 4 and reading as follows:

"Section 4. That Article 463, Code of Criminal Procedure, 1925, be amended so as to hereafter read as follows:

'Article 463. Before the clerk or his deputy shall be required or permitted to issue a subpoena in any felony case pending in any district or criminal district court of this State of which he is clerk or deputy, the defendant or his attorney or the State's attorney shall make written sworn application to such clerk for each witness desired. Such application shall state the name of each witness desired, the location and avocation, if known, and that the testimony of said witness is material to the State or to the defense. As far as is practical such clerk shall include in one subpoena the names of all witnesses for the State and for defendant, and such process shall show that the witnesses are summoned for the State or for the defendant. When a witness has been served with a subpoena, attached or placed under recognizance at the instance of either party in a particular case, such execution of process shall inure to the benefit of the opposite party in such case in the event such opposite party desires to use such witness on the trial of the case, provided that when a witness has once been served with a subpoena, no further subpoena shall be issued for said witness'".

DeBERRY.

Read and adopted.

Amendment No. 6.

Amend House Bill No. 550 by changing the section number of the emergency clause, line twenty, page two, from "Section two" to "Section five".

DeBERRY.

Read and adopted.

AMENDMENT NO. 7.

Amend House Bill No. 550 so as to make the caption conform to the amendments adopted as follows:

An Act amending Articles 463, 1034, 1055 and Sections 2, 3, 4 and 5 of Article 1036, Code of Criminal Procedure, 1925, relating to the issuance of subpoenas in felony cases pending in district or criminal district courts of this State; providing for the approval and payment of per diem and mileage fees of witnesses in attending district and criminal district courts in certain cases; providing for the making, approval and payment of accounts, to be paid by the State, or county, district and criminal district attorneys, sheriffs and district clerks in felony cases and prescribing the procedure with reference thereto, and declaring an emergency.

DeBERRY.

Read and adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 550 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Purl.

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

House Bill No. 1026.

Senator Stevenson called up from the table H. B. No. 1026.

The pending amendment was adopted.

Senator Rawlings sent up the following amendment:

Amend Engrossed Rider by adding after the word "Association" the following:

"Or where such cause of action arose."

RAWLINGS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1026 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

House Bill No. 988.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 988, A bill to be entitled "An Act authorizing counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase land for public parks; authorizing the issuance of bonds and levy of taxes therefor; providing for control and operation of such parks, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 988 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Purl.	Stevenson.
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Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Hopkins.	Small.
Hornsby.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—8.

Cousins.	Loy.
Cunningham.	Purl.
DeBerry.	Rawlings.
Holbrook.	Stevenson.

Absent.

Russek.

Williamson.

Gavel Presented.

Senator Purl received unanimous contest to permit certain visitors from Dallas to present a gift to Lieutenant Governor Edgar E. Witt.

The Chair, Senator Moore, appointed Senators Woodward, Hardin, and Woodruff to escort the visitors to the platform.

The Chair introduced Senator Purl who introduced Judge Lewis Carpenter of Dallas. Judge Carpenter presented to Lieutenant Governor Witt a bois d' arc gavel on behalf of Dr. J. B. Cranfill.

Lieutenant Governor Witt briefly expressed his appreciation.

Simple Resolution No. 151.

Senator Woodruff sent up the following resolution:

Whereas, Miss Norma Detmars, a student in the University of Texas, is within the Bar of this Senate, and

Whereas, Miss Detmars has a distinguished scholastic record in the high schools and in Junior Colleges of San Antonio, Texas, and has won academic distinction for herself as a student in the University of Texas, and thereby been admitted to membership in Phi Beta Kappa signifying high scholarship and scholarly attainment, therefore

Be it resolved, that she be accorded the privilege of the floor and that she be escorted to the platform and there be formally presented to the Senate; and that she be invited to address the Senate.

WOODRUFF,
WILLIAMSON,
WOODWARD,
POAGE.

Read and adopted.

Miss Detmars Speaks.

The Chair appointed Senators Woodruff, Woodward, and Poage to escort Miss Detmars to the platform.

The Chair introduced Senator Woodruff, who introduced Miss Detmars. Miss Detmars briefly addressed the Senate.

Senate Bill No. 627.

The Chair laid before the Senate the following bill:

By Senator Hardin:

S. B. No. 627, A bill to be entitled "An Act to amend Section 5 of S. B. No. 309, Acts of the Regular Session of the 42nd Legislature; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two thirds vote.

The committee report was adopted.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 627 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to engrossment.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 627 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed
by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

House Bill No. 163.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Hubbard, Mr. Johnson of
Dimmit, Mr. Graves, Mr. Caven, and
Mr. Hughes:

H. B. No. 163, A bill to be entitled
"An Art repealing Articles 5521 and
5523, and amending Artisle 5520,
Chapter 1, Title 91, Revised Civil
Statutes of Texas, 1925, relating to
vendor's lien, mortgage lien, and
deed of trust notes secured by lien
on real estate, providing time and
manner of the running of limitation
thereon, etc., and declaring an emer-
gency."

The bill was read second time and
passed to third readnig.

On motion of Senator Woodward,
the constitutional rule requiring
bills to be read on three several days
was suspended and H. B. 163 was
put on its third reading and final
passage, by the following vote:

Yeas—31.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.

Thomason.	Woodul.
Williamson.	Woodward.
Woodruff.	

Read third time and finally passed.

House Bill No. 225.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Weinert:

H. B. No. 225, A bill to be entitled
"An Act amending Article 689,
Chapter 7, Title 11, Revised Crim-
inal Statutes of Texas, 1925, relating
to the penalty for the sale, trans-
portation, manufacturing, posses-
sing, etc., of intoxicating liquor, by
repealing that provision of said ar-
ticle denying the benefits of the
suspended sentence law to persons
over the age of 25 years."

The bill was read second time and
passed to third reading by the fol-
lowing vote:

Yeas—16.

Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Parr.	Woodul.

Nays—10.

Berkeley.	Neal.
DeBerry.	Pollard.
Hardin.	Purl.
Loy.	Rawlings.
Moore.	Woodward.

Absent.

Beck.	Williamson.
Cousins.	Woodruff.
Oneal.	

On motion of Senator Hopkins the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. 225 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Neal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Russek.	

Nays—3.

Moore.	Woodward.
Rawlings.	

Absent.

Oneal.

Read third time and finally passed
by the following vote:

Yeas—18.

Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Parr.	Woodul.

Nays—10.

Berkeley.	Neal.
DeBerry.	Pollard.
Hardin.	Purl.
Loy.	Rawlings.
Moore.	Woodward.

Absent.

Beck.	Woodruff.
Oneal.	

House Bill No. 24.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Hanson, et al:

H. B. No. 24, A bill to be entitled
"An Act to amend Article 701 of
Chapter 1, Title 22, of the Revised
Civil Statutes of the State of Texas
of 1925; to provide that only prop-
erty taxpaying voters, who pay a
property tax, can vote in bond elec-
tions; providing that at least two-
thirds of those voting in a bond elec-
tion must approve the issuance of
bonds; repealing all laws in conflict
with this act, and declaring an emer-
gency."

Read second time.

Senator Poage sent up the follow-
ing amendment:

Amend H. B. No. 24 by adding
at the end of Section 1, line 48 the
following:

"Providing that the rendition of
any county property by ?? ?? ??
shall entitle to ???? to vote."

POAGE.

Read and adopted.

Senator Woodward sent up the
following amendment:

Amend H. B. No. 24 by striking
out of line 41 the following:

"and where the said taxes were
actually paid for the previous year
before same became delinquent",
and by striking out of line 43 the
following:

"and upon which taxes were
paid."

WOODWARD.
DeBERRY.

Read and adopted.

Senator Cunningham sent up the
following amendment:

Amend H. B. No. 24, by adding
between the word "bonds" and the
word "shall", in line 6 of Section
1 of the engrossed bill, the words,
"except bonds and evidences of
debts issued by authority of Articles
1111 to 1118, Revised Civil Statutes
of 1928."

CUNNINGHAM.

On motion of Senator Moore,
the previous question was ordered
on the amendment and the further
consideration of the bill.

The amendment was read and
adopted by the following vote:

Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Holbrook.

Absent.

Hopkins.	Williamson.
Purl.	Woodruff.
Rawlings.	

The bill failed to pass to third
reading by the following vote:

Yeas—6.

Cousins.	Poage.
Hornsby.	Small.
Neal.	Woodul.

Nays—19.

Beck.	Moore.
Berkeley.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	

Absent.

Hopkins.	Williamson.
Rawlings.	Woodruff.
Russek.	Woodward.

Motion to Concur.

On motion of Senator Beck, the Senate concurred in the House amendment to S. B. No. 624 by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Committees Appointed.

The Chair announced the appointment of the following Committees:

To attend the funeral of Dr. S. P. Brooks: Senators Poage and Woodruff.

Senate Conference Committee on S. B. 259:

Senators Beck, Woodul, Woodward, Williams, and Moore.

House Bills Referred.

H. B. No. 29 referred to Committee on Finance.

H. B. No. 539 referred to Committee on Finance.

H. B. No. 921 referred to Committee on Agricultural Affairs.

House Bill No. 75.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 75, A bill to be entitled "An Act to amend Article 2266, Revised Statutes, 1925, regulating appeals in forma pauperis from county and district courts, and Article 2457 regulating appeals in the same manner from justice courts; simplifying the procedure, providing that the affidavit of the party appealing, stating his inability to pay or secure the costs, or any part thereof, shall be prima facie sufficient and conclusive, unless successfully contested by an officer or court, or a party, interested, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 75 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

House Bill No. 738.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 738, A bill to be entitled "An Act providing that it shall hereafter be unlawful for any person, corporation, insurance company, fraternal organization, burial association or other association to write.

sell or issue any certificate, policy, contract or membership maturing upon the death of the person holding same or upon the death of some member of holder's family, if such certificate, policy, contract or membership provides that it is to be paid or settled, or if the plan of such person, corporation, organization or association provides that its certificates, policies, contracts or memberships are to be paid or settled in merchandise or services rendered, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 738 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

House Bill No. 457.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Adams of Jasper:

H. B. No. 457, A bill to be entitled "An Act to amend Articles 3152 and 3153, Revised Statutes of 1925, relating to contests of nominations for office in primary elections, so as to provide for an appeal to the Court of Civil Appeals from the judgment of the district court or judge in all cases of such contests, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend House Bill No. 457 by adding a new section to be known as Section 2a:

Section 2A: That Article 3109 of the Revised Civil Statutes of 1925 be amended so as hereafter to read as follows:

Art. 3109: Ballot at Primaries. The vote at all general primaries shall be by official ballot, which shall have printed at the head the name of the party and under such head the names of all the candidates, those for each nomination being arranged in the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought. The voter shall erase or mark out all names he does not wish to vote for. The official ballot shall be printed in black ink upon white paper, and beneath the name of each candidate thereon for State and District offices there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least one and one-half times as many of such official ballots as there are poll taxes paid for such precinct, as shown by the tax collector's list. Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the State of the same district, county or precinct, such candidates shall be voted for and nominations made separately, and all nominations shall be separately designated on the official

ballots by numbering the same "1," "2", "3", etc., printing the word "No", and the designating number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. Each voter shall vote for only one candidate for each such nomination.

Amend the caption by inserting immediately before the words, "and declaring and emergency," the following: "and amending Article 3109 so as to make the same applicable to the State offices."

PURL.

The amendment was read.

Senator Martin raised the point of order that the amendment was not germane.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Martin moved to table the amendment. The motion was lost.

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend the caption of H. B. No. 457 to conform to the body of the bill.

PURL.

Read and adopted.

Senator Moore moved the previous question on the further consideration of the bill. The previous question was ordered.

The bill was read second time and passed to third reading by the following vote:

Yeas—19.

Beck.	Poage.
Berkeley.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Holbrook.	Small.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—7.

Cousins.	Martin.
Cunningham.	Parr.
Gainer.	Patton.
Hopkins.	

Absent.

Hardin.	Stevenson.
Parrish.	Thomason.
Russek.	

The motion of Senator Purl to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—21.

Beck.	Patton.
Berkeley.	Poage.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Hornsby.	Small.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—6.

Cousins.	Holbrook.
Cunningham.	Hopkins.
Gainer.	Martin.

Absent.

Parrish.	Stevenson.
Russek.	Thomason.

(22 votes required.)

Adjournment.

Senator Pollard moved to adjourn until 10 o'clock tomorrow morning.

Senator Berkeley moved to recess until 8 o'clock tonight.

Senator Woodruff moved to recess until 9:30 o'clock tomorrow morning.

The motion to adjourn until 10 o'clock a. m., prevailed and at 6:16 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Hon. Bob Barker, Secretary of the Senate,
Austin, Texas.

Back at my desk this morning following my very delightful trip to

Austin. Will you on my behalf convey to the members of both Houses of the Legislature the pleasure I had in visiting them and my appreciation of their courtesy in extending the invitation.

JOUETT SHOUSE.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 617 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 515 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 614 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 586 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 49 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 528

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 407 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 612 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 564 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 13, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 625 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 627, A bill to be entitled "An Act to amend Section 5, of S. B. No. 309, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 684, A bill to be entitled "An Act to amend Article 1030, Revised Civil Statutes, 1925, so as to provide that the City Council of any city shall have power to levy and collect an annual poll tax, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 921, A bill to be entitled "An Act authorizing and directing the Board of Directors and other managing officers of A. & M. College to create and operate a Fireman's Training School as a part of said College, providing for the creation of a Board to advise in the conducting of the same, making a appropriation therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 375, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 304, page 678, et seq. of the Acts of the Regular Session of the 41st Legislature of the State of Texas, so as to include onion and spinach seed and include in addition to the other data to be shown the year in which such seed were grown, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 12, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 654, A bill to be entitled "An Act requiring any party, offering or quoting for sale certain perishable farm products, to quote the quantity or approximate quantity of the commodity actually offered; and providing that no party shall so offer or quote for sale any such commodity except the owner or such other party as may be duly authorized, in writing, and that no offering or quotation shall be made by a party for immediate delivery unless such commodity is, in fact, then in physical existence in the quantity or approximate quantity offered and ready for bona fide sale and delivery by such party; and providing penalties for the violation thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 762, A bill to be entitled "An Act to prohibit the increase of premium and/or rates to be collected after twenty (20) years of continuous membership in any fraternal benefit societies as provided for in Chapter 8."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, May 13, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 35.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: WE, your Committee on State Affairs, to whom was referred

H. B. No. 417, A bill to be entitled "An Act to amend Article 1536 Revised Statutes, 1925, prescribing penalties for the transaction of business by foreign corporations in this State without obtaining a permit to do business in Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 328, A bill to be entitled "An Act providing for a limit on the number of fresh-water bass, crappie or white perch, bream and goggle-eyed perch, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1022, A bill to be entitled "An Act amending Article 879 of the Penal Code of Texas, 1925, as amended by Chapter 215 Acts 40th Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Min-

ing, Irrigation and Drainage, to whom was referred

H. B. No. 964, A bill to be entitled "An Act releasing the inhabitants of and property in Orange County from the payment of nine-tenths (9/10) of the ad valorem taxes levied for State purposes for a period of twenty-five (25) years; providing generally the means and manner thereof: providing for the establishment of a Conservation and Reclamation District in said county and the means, manner and time thereof, and for the issuance of bonds by said District, and for the collection of said taxes and creation of a sinking fund out of which said bonds and interest shall be paid, in the same manner as bonds are now authorized to be issued and paid, providing the purposes of said District; prescribing certain limitations and conditions; providing generally for the carrying out of the purposes hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

HORNSBY, Chairman.

By McDougald, et al. H. B. No. 964.

A BILL

To Be Entitled

An Act releasing the inhabitants of and property in Orange County from the payment of nine-tenths (9/10) of the ad valorem taxes levied for State purposes for a period of twenty-five (25) years; providing generally the means and manner thereof; providing for the establishment of a Conservation and Reclamation District in said County, and the means, manner and time thereof, and for the issuance of bonds by said District, and for the collection of said taxes and creation of a sinking fund out of which said bonds and interest shall be paid, in the same manner as bonds are now authorized to be issued and paid; providing the purposes of said District; prescribing certain limitations and conditions; providing generally for the carrying out of the purposes hereof; and declaring an emergency. "

Whereas, the lower half of Orange County, which borders on Sabine Lake, has an average

elevation of less than four (4) feet above sea level, and the upper half has an average elevation of less than twelve (12) feet above sea level; and during severe storms and hurricanes, the major portion of the County is subject to tidal waves and overflow; and the great and disastrous Gulf storms in 1900, 1915 and 1919 flooded Orange County with salt water; ruining crops, damaging soils, drowning cattle, and threatening human life, which causes a great calamity ;and

Whereas, the whole of Orange County lies between the two largest rivers in the State, to-wit: the Sabine and Neches, and these rivers constantly inundate Orange County when they are in flood; and in 1915, 1919 and 1929, the flood waters of the Sabine and Neches Rivers met on, and flowed over Orange County, thereby causing great damage and loss which was a great public calamity; and

Whereas, all the interests of Orange County, agricultural, commercial, industrial and stock raising, by reason of said calamitous inundations and overflows and almost certain recurrence thereof, have suffered and will continue to suffer, great public calamities unless such calamities are prevented by providing levees, adequate drainage, and deeper waterways and aids thereto, for the protection and prosperity of the property and inhabitants thereof, and for the particular development of the waterways and drainage now existing and for the continuous development of Orange County, and for the purpose of aiding and protecting said Orange County and the property and citizens therein, and the citizens of the State of Texas who own property therein, to the end that increased revenues will inure to the State of Texas, in succeeding years, therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That because of great public calamities occurring in the County of Orange, the inhabitants of and the property of said County in accordance with the State Constitution shall be and are hereby released of, donated and granted, for a period of twenty-five (25) years, as hereinafter provided, the taxes lev-

ied for State purposes in said County as follows:

Nine-tenths (9/10) of the State ad valorem taxes levied for State purposes against the inhabitants and property in the County of Orange, including the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as provided by law.

Sec. 2. It is expressly provided and to be held as a condition of the release from the payment of such taxes that the resident property taxpayers, who are qualified voters of Orange County, shall by or before September 1, 1931, form a Conservation and Reclamation District, the boundaries of which shall be coincident with the boundaries of Orange County, and said Conservation and Reclamation District, shall, on or before January, 1932, vote an issue of bonds of said County-wide District in an amount that will require for a period of twenty-five (25) years a tax to be levied upon the taxable property in said County-wide District of not less than the State tax hereby released and the maximum amount the development and drainage County-wide District can issue for purposes hereinafter mentioned, such bonds to be voted and issued as provided by law as now or hereafter existing, for the purpose of developing the waterways and the facilities thereof, and enlarging the present drainage system; as well as to retire and refund bonds now outstanding for any of the above purposes, and particularly for the purpose of preventing a recurrence of such calamities. Providing that when the sinking fund created under the provision of this Act shall become sufficient to retire the bonds provided to be issued hereunder based on the 1931 valuations, this Act shall cease to be operative and the release of taxes hereby made shall cease.

Sec. 3. The Tax Assessor of Orange County shall assess for taxation the property of persons, firms, companies, and associations of persons in said County in the usual manner as required by law, and the Tax Collector of said County shall, or shall not, collect the said State taxes, as he may be ordered and directed to do by the Comptroller of Public Accounts as hereinafter provided.

Sec. 4. A duly certified copy of the order canvassing the returns and

declaring the result of the election at which the question of issuing such bonds is voted upon together with satisfactory proof of the issuance of the bonds provided for in Section 2 hereof shall be furnished to the Comptroller of Public Accounts. If such certified order shall be presented to the Comptroller of Public Accounts prior to January 1, 1932, and shall evidence the result of the election as in favor of the issuance of such bonds, it shall be the duty of the Comptroller of Public Accounts to at once order and direct the Tax Collector of Orange County not to collect the taxes levied for State purposes for the year 1932 and released by this Act, and the said Tax Collector shall not collect said taxes for this said year, and the inhabitants of and property in said County, shall, as hereinabove provided, be released from the payment of said taxes for a period of twenty-five (25) years beginning with and including the year 1932; but if the said certified order is not presented to the Comptroller of Public Accounts before January 1, 1932, he shall order and direct said Tax Collector to collect said taxes for said year and pay the same into the State Treasury as required by law. If said certified order and proof of issuance of bonds shall be presented to the Comptroller of Public Accounts after January 1, 1932, and before January 1, 1933, and shall evidence the result of the election as in favor of the issuance of such bonds, it shall be the duty of the Comptroller of Public Accounts to at once order and direct the Tax Collector of Orange County not to collect the taxes levied for State purposes for the year 1933 and released by this Act, and the said Tax Collector shall not collect said taxes for said year, and the inhabitants of and property in said County shall, as hereinbefore provided, be released from the payment of said taxes for a period of twenty-five (25) years beginning with and including the year 1933; but if said certified order is not presented to the Comptroller of Public Accounts before January 1st, 1933, he shall order and direct said Tax Collector to collect said taxes for said year 1933, and pay the same into the State Treasury as required by law. In case of the failure of said County to vote for the issuance

of such bonds and to present said certified order to the Comptroller of Public Accounts before January 1st, 1933, then this Act shall become null and void and of no further effect.

Sec. 5. The fact that Orange County, the surrounding and adjoining Counties and the State all suffer from the calamities herein mentioned as occurring in Orange County, and the further fact that improvements should be made at the earliest possible date to prevent the recurrence of such calamities, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 14, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 704, A bill to be entitled "An Act to provide that no officer or employee of the State of Texas, any county, city, town or village, or any municipality or political subdivision, using or accepting the benefits of any free pass or franking privilege of any railroad, interurban, motor bus or other transportation line shall charge or collect from the State, county, city, town, village, municipality, or political subdivision, the amount he would have paid had he not used such free pass; fixing penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

ONEAL, Chairman.

By Kennedy.

H. B. No. 704.

A BILL

To Be Entitled

An Act to provide that no officer or employee of the State of Texas, any county, city, town, or village, or any municipality or political subdivision, using or accepting the benefits of any free pass or franking privilege of any railroad, interurban, motor bus or other

transportation line, shall charge or collect from the State, county, city, town, village, municipality, or political subdivision, the amount he would have paid had he not used such free pass; fixing penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No officer or employee of the State of Texas, any county, city, town, or village, or of any municipality or political subdivision, using or accepting the benefits of any free pass or franking privilege of any railroad, interurban, motor bus or other transportation line, shall charge, or collect from the State of Texas, or from any count, city, town, village, municipality or political subdivision, the fare or charge which, otherwise, he would have paid to such railroad, interurban, motor bus or other transportation line, by reason of the trip for which such free pass or frank was used.

Sec. 2. Any officer or employee

violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding One Thousand (\$1,000.00) Dollars.

Sec. 3. The fact that many officers and employees of the State and the political subdivisions thereof are by law permitted to accept free passes, and by law are entitled to charge mileage in traveling on the business of the State and such subdivisions, and, the further fact that some officers and employees are using such free passes and at the same time collecting the fare which they would have paid had they not used such pass, to the financial detriment of the State and to the profit of such officers, and because of the financial condition of the public funds, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and same is, hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

In Memory of Dr. Samuel Palmer Brooks

SIMPLE RESOLUTION NO. 149.

Senator Poage sent up the following resolution:

Dr. Samuel Palmer Brooks was born in Milledgeville, Georgia, December 4, 1863. While he was still a child, his parents, Samuel Erskine Brooks and Aurelia Palmer Brooks, removed to Texas. His father was a Baptist minister. As a boy, Dr. Brooks lived in Johnson County near Caddo Peak. Here he grew to manhood working on the farm and later for the railroad, without any of the advantages of a formal education. In 1887 he came to Baylor University where he entered the Academy. Here he worked both to master his studies and to support himself. He was successful in both. In 1893 he completed his college work and received the degree of Bachelor of Arts from Baylor University. He then studied in the University of Chicago and Yale University. After securing his degree at Yale he returned to his Alma Mater as an instructor of History and Political Science. Since that time, the history of Baylor has been largely a history of S. P. Brooks. In 1902 he was elected President of the University, which position he has held for the past twenty-nine years. In this capacity he has guided the destinies of the State's oldest institution of higher education from a small debt ridden school of doubtful scholastic standing to a great university with thousands of students whose degrees are recognized all over the world. The debt which has for so many years hampered the activities of the school over which he presided has just been lifted. The campaign incident to this work was the last great undertaking of his life, and the strain thereof unquestionably aggravated the malady which caused his death.

During his entire life, Dr. Brooks was a leader. He never hesitated to take a bold and open stand for the right as he saw it. No cause ever had a more ardent advocate or a more fearless champion. His interests were as wide as the needs of his fellowmen. He took an active interest in all educational, religious, political, moral, economic, and civic activities. At the same time his public interests and activities never caused him to give less attention to the finer personal relations of life. Everyone of the thousands of students of Baylor University and everyone of his neighbors and acquaintances was his personal friend.

In his private life he was an exemplary citizen. In 1895 he was married to Miss Mattie Sims, and they are the parents of two splendid children: Miss Aurelia Emma Brooks, now an instructor in Baylor University, and Honorable Sims Palmer Brooks, an attorney in the city of Waco. Dr. Brooks is also survived by a brother, Professor George A. Brooks of Austin, Texas, long time instructor in the State School for the Deaf.

Whereas, in the early morning hour of May 14, 1931, Dr. Samuel Palmer Brooks ceased his labors and passed out of this world, leaving thousands of grief stricken friends over the entire State of Texas; to join with his family in mourning his loss, and in his passing the State has suffered an irreparable loss,

Now, therefore, BE IT RESOLVED by the Senate of Texas that it here now express its sincere and deep regret at the untimely passing of this great and good man; that it extend its heartfelt sympathy to the family of the deceased and that a copy of these Resolutions, properly authenticated, be forwarded to them by the Secretary of the Senate together with a suitable floral offering; that when the Senate adjourns today that it do so in his honor; that a Committee of two members of the Senate be appointed by the President of the Senate to attend this funeral as the representatives of the Senate; that the expense incident hereto be paid out of the contingent expense fund of the Senate; and that a page in the Senate Journal be dedicated to the memory of our departed friend and fellow citizen.

Beck, Berkeley, Cunningham, Cousins, DeBerry, Gainer, Greer, Hardin, Holbrook, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Patton, Poage, Pollard, Purl, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodruff, Woodul and Woodward.

Read and adopted unanimously by a rising vote.